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The Roman Senate as *arbiter* during the Second Century BC

Two Exemplary Case Studies: the Cippus Abellanus and the Polcevera Tablet

Valentina Casella & Maria Federica Petraccia
with an Appendix by Antonella Traverso

BREPOLS

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H. W. Schmidt, *Cicero Before the Senate* (*Denouncing Catilina*), 1912.

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PREFACE

> La storia giuridica è stata guidata, nel suo lungo cammino, dal 'concetto' del diritto: non una nozione elastica, provvisoria e strumentale per orientare la ricerca, ma una categoria precisa e vincolante, un'idea da ripercorrere attraverso i secoli e i millenni. Questa categoria, – l'ordinamento giuridico come un insieme coerente e autosufficiente di istituti o di norme, di figure o di definizioni, – si è posta come oggetto di una disciplina storica specifica. Osservata da questo angolo, la storia giuridica non è altro, in definitiva, che lo svolgimento diacronico di un'entità concettuale e (s'intende) delle sue articolazioni interne. Il 'diritto romano' vi rientra e ne occupa lo spazio più ampio, anche oltre i confini del mondo antico. (Bretone 1981, p. 103)

This study grew out of various reflections arising in the wake of the authors' involvement in the Postumia Project (still ongoing) launched by the Soprintendenza Archeologia della Liguria (Ligurian Archaeological Heritage Department) together with the City of Genoa with the aim of reviewing the documentation and material data relative to the route of the Via Postumia. The authors' contribution to the recent conference on this important consular road, held in Genoa, on 1 June 2018, and organised by the aforementioned Soprintendenza, focused more specifically on the *Sententia Minuciorum*, linking the Tablet to its context, a series of boundary disputes involving the Roman Senate during the second century BC.

Although the scientific community has carried out systematic in-depth studies into Roman intervention in territorial disputes involving the Greek *poleis* for some time now, the same cannot be said with regard to similar disputes in Italic territory. Such research must take into account the fact that the phenomenon of arbitration must be observed from two different perspectives: that of the legislator with *iurisdictio* and that of the petitioners who are in some capacity requesting its application.

The complexity of its crucial aspects made it necessary to divide this volume into various sections to allow this work to be approached and organised in an exhaustive, systematic, and, one hopes, original manner. Each of these sections was edited separately – without losing sight of the overall framework of the study – by one of the authors. For the sake of simplicity, the author in question will be indicated by means of her initials at the end of each chapter: V. C. (Valentina Casella) and M. F. P. (Maria

Federica Petraccia). Specifically, the Introduction and Chapters Four, Five, and Six were written by Maria Federica Petraccia, while Chapters One, Two, Three, and the Conclusions were written by Valentina Casella.

Our warmest thanks go firstly to Giorgio Bonamente and Carlo Santini for believing in the originality of our project right from the beginning and deciding to include it in the prestigious editorial setting of the "Bibliotheca" to the "Giornale Italiano di Filologia" (GIF) series directed by them.

As we all know, books would not exist without 'illuminated' publishers. The Brepols publishing house and its staff have shown themselves to be entirely worthy of their international fame, embracing with genuine enthusiasm the idea of publishing a volume dedicated to the study of arbitration in the specific context of Roman Italy in the second century BC. In fact, the mediation processes of antiquity can still teach a lot to those working in the field of international law today. In fact, even now arbitration is one of the most immediate instruments for the resolution of civil disputes in the world of business and finance.

As we prepare to publish our work, we would also like to express our affection and gratitude to all the friends and colleagues consulted who unstintingly offered useful advice, suggestions, and even constructive criticism, thus helping this volume on its way: Alessandro Mannocchi, Sergio Pedemonte, Paolo Poccetti, Roberto Scevola, Rita Scuderi, Gianluca Soricelli, and Antonella Traverso who also wrote the Appendix to Chapter Five on the Polcevera Tablet.

The influence of one academic, in particular, was instrumental for the drafting of this book: Franco Sartori, pupil of Attilio Degrassi and illustrious lecturer at Padua University, provided those studying issues concerning the relations existing between the constitution and/or constitutions prior to the Roman conquest of southern Italy and to its subsequent municipal organisation with a seminal work in his *Problemi di storia costituzionale italiota*.

Lastly, we owe a debt of gratitude to all those who, in their different ways, helped stimulate our critical reflection. If this work has any impact upon the advancement of knowledge in this area it will be thanks to them.

Valentina Casella
Maria Federica Petraccia

INTRODUCTION

Si officii nostri est omnibus sua jura defendere ac inter eos componere pacem, ac stabilire concordiam multo magis ratio exigit atque usus utilitatis exponit, ut sancimus charitatem inter maiores, quorum pax aut odium redundat in plurimos.
(*S. Gregorii papae operae* I, reg. II, ep. 70, in Migne 1849-1855, col. 421)[1]

A part of legal doctrine claims that it is inaccurate to speak of international Roman law with reference to antiquity. There is a tendency to deny the existence of international legal rules on the basis of the conviction that there was a natural perpetual hostility between states, that foreigners were identified as enemies, and that Rome did not recognise the independence and sovereignty of the peoples encountered. Such rules would imply the absolute political equality between states with reciprocal rights and duties, which would be in sharp contrast with the exclusivism of the Romans.[2] Consequently, the latter would be less likely to draw up true treatises or *foedera* with other peoples, because any such agreements would be no more than mere truces temporarily suspending a state of war.[3]

The boundaries are very blurred between 'making peace', thereby guaranteeing and creating conditions for harmony between two or more diverging actors, and "imposing peace",

[1] Gregory VII, born Hildebrand of Soana (Soana/Sovana between 1013 and 1024 - Salerno 1085), was the one hundred and fifty-seventh pope of the Catholic Church from 1073 to his death. He was one of the most innovative figures of the Middle Ages, responsible for a complex, highly articulated political and ecclesiological action. After his election as pope, he launched a major programme of reform in the Church: his *Dictatus papae* (1075-1076) comprising twenty-seven declarations affirmed the primacy of the papacy over all temporal authorities, and in the 1075 Synod he defended *libertas Ecclesiae* and the theocratic conception, thus entering into open conflict with Henry IV of Germany and giving rise to a period of conflict known as the "Investiture Controversy".

[2] Sini 2003, p. 32 n. 5.

[3] Cf. Mommsen 1887, pp. 590 ff.

exercising a sovereign will conditioned neither by law nor by any form of agreement reciprocally shared and accepted by each of the conflicting parties. This mediation consists of a mandate conferred upon an impartial third party and has the aim of allowing the aforementioned parties to reach an agreement, which may take various forms, allowing them to overcome the conflict between them.

Throughout the ages, all societies have developed a framework of rules referencing a specific material context as well as an autonomous set of ideas and values that are not a mere re-working of experiences drawn from the past but end up by assuming a wholly new dimension. In this sense, law can never aspire to becoming 'eternal' because in terms of application, it rises and falls with the society that has engendered it. However, this does not mean we cannot carry out a diachronic scientific study of the changing juridical context alone, provided that we remember to attribute the appropriate function to the past, considered not merely in juridical terms.

In the complex framework of instruments intended to resolve disputes, whether directly or indirectly, an important role may be played by actions implemented between the parties involved through the intervention of a third party, extraneous to those parties. This may occur because this 'actor' can bring together their opposing positions, thus facilitating an agreement between disputing parties, or because, at their request, he formulates a decision with binding power, or lastly because he uses threats or force to bring about a solution in an authoritative manner, imposing himself upon their will. In each of these cases, albeit to differing degrees, the action of the third party acquires legal relevance, taking the form of arbitration in the second case hypothesised.[4]

> Most uses of the word arbiter in Latin imply the authority of the adjudicator, not the conciliating or enabling role of the mediator, although there were exceptions. The decision of the arbiter, like that of a judge, represented the adjudication of a person whose authority was accepted by the disputants either

[4] Cf. Salvioli 1957, p. 118; Arangio Ruiz 1962, p. 384; Morelli 1967, p. 376; Villani 1981; Conforti 1987, pp. 396, 407; Starace 1988, pp. 2-3, 5-7; Villani 1989, pp. 155-156.

> because, as judge, he was authorised by the state, or because, as arbiter, they had chosen him and thus signified their consent to whatever decision he might make. The connection between the two as adjudicators went back to the Twelve Tables; the 'judex arbiterve' were equally competent to deliver a judgement that would conclude the case. A further similarity, also dating from the early Republic, was that the *iudex*, like the arbiter, was 'given' ('datus') by the *praetor* in response to the wish of the parties to have their business settled, in the expectation that they would abide by his ruling.[5]

This concept was clearly understood in Rome to the extent that, during the second century BC in particular, it was common practice to resolve territorial disputes by turning to arbitration rather than instituting legal proceedings, which could have placed Rome in a negative light with regard to outside observers.

> In origine la giustizia fu affidata agli arbitri, ossia a persone che nelle comunità primitive godevano di fiducia e di prestigio. Non infrequente dovette essere, in epoche in cui *fas* e *ius* apparivano mescolati e confusi fra loro, il ricorso ai sacerdoti per dirimere le controversie. Si comincia a distinguere l'arbitro dal giudice mano a mano che la collettività si organizza e impone la propria giustizia. Mentre quella degli arbitri era fondata sull'*auctoritas*, quella dei giudici trovava base sull'*imperium*. Il processo evolutivo è lento e accompagna quello della sovranità dello Stato e della completezza della sua organizzazione. É così possibile trovare epoche e luoghi – si pensi all'epoca del processo formulare in Roma – in cui l'*imperium* dello Stato è a base dell'erogazione della giustizia (fase *in ius*), che si concretizza attraverso l'opera di cittadini dotati di *auctoritas* (fase *apud iudicem*).[6]

Much more than a legal institution, arbitration should be seen as an environment: a human environment, place, and type of relation between those being judged and those judging that is immune to that immeasurable yet very real extraneousness between the two categories characterising the experience of a trial in court. In fact, arbitration is an alternative form of civil dispute resolution to

[5] Harries 2001, p. 175.
[6] Verde 2015, p. 1.

the courts and is still widely used today, especially in the world of trade and commerce. This procedure is typically characterised by two key features: firstly, the parties involved in the dispute freely appoint someone – the arbitrators, in fact – to decide and, secondly, it is these disputing parties who confer upon the arbitrators the power and authority to make a decision relative to the dispute they are called upon to settle. Arbitration is an institution founded upon and sustained by the will of the litigants; and the act by which this will is expressed is called 'arbitration agreement'.[7]

The arbitrators are 'natural persons' invested with the power to know and decide with regard to disputes arising between one or more parties.

The impartiality of arbitrators (whether a sole arbitrator or member of a panel of arbitrators) is the salt or essence of the arbitration procedure, providing a guarantee, together with their eligibility to judge the dispute, that the petition cannot be rejected due to manifest inadmissibility or groundlessness. The final act or conclusive and decisive step in the arbitration procedure is the ruling, which is intended to resolve all the issues involved in the dispute, in either a single deliberation or succession of deliberations;[8] it is through this ruling that the arbitrators perform their function, fulfilling their obligation towards the parties and leading to the culmination, in as much as this concerns them, of the matter that began with the stipulation of the arbitration agreement and continued with their appointment and the establishment of the proceedings.

> In the West Roman law founded the culture of arbitral dispute resolutions which have ever since (in Middle Ages, Modern Ages and nowadays) conceptually and terminologically been relying on the Roman legal tradition. Therefore, the Roman arbitration is an important part of the legal heritage pertinent to the culture of dispute resolution. Roman law took interest on arbitration because it was perceived as a means of dispute resolution which might have considerable advantages to civil litigation which was based on law. Arbitration diverted the disputing parties from excessive civil litigation into various

[7] Vanoni 2012, pp. 79-120.

[8] La China 2011, p. 209. Cf. Bove 2001 and Bove 2009.

> modes of dispute resolution that were considered to be less confrontational. Roman law recognized variety of extra-judicial mechanism of dispute resolution to ensure that the controversies and differences between the disputing parties were indeed ended. [...] Efficiency low cost effectiveness and procedural rapidity were promoted by immediacy. Immediacy is one of the major guidelines and working principles pertinent to all types of the Roman arbitration.[9]

As far as the medieval period is concerned, it is worth referring to Bussi who describes how the formula adopted in the compromise intended to resolve a dispute through the conciliatory mediation of a third party soon took on a characteristic form whereby the subject was nominated as *arbiter arbitrator seu amicabilis compositor*.

> Questa è divenuta ad un certo punto una formula di stile, affermandosi come tale per lungo tempo. In un compromesso del 23 febbraio 1251, su cui si soffermò lo Sclopis, i signori di Lucerna e altri si rimettono alla decisione di Tommaso II di Savoia *tamquam in arbitratorem et amicabilem compositorem*. Nella sua versione completa la formula compare nel 1257 in un compromesso stipulato fra il conte di Ginevra Rodolfo e suo fratello Enrico, i quali con tale compromesso affidavano la soluzione di tutte le vertenze sussistenti fra di loro a sei cavalieri giurando di: *observare et tenere dictum et laudum dictorum arbitrorum aut arbitratorum aut amicabilium compositorum et non contra venire super hiis, que pronunciaverint vel pronunciari fecerint, pro ut eis iure vel amicabili compositione aut voluntate, de plano et sine iuris solemnitate videbitur expedire*.[10]

This study aims to find a solution with regard to a fundamental problem in history of Roman law, regarding the birth of the institution of arbitration and the applications of this procedure in a number of particularly significant case studies (*Stari autem debet sententiae arbitri quam dixerit sive aequa sit sive iniqua*).[11]

From a philological point of view, several suggestions have been made so far with regard to the origin of the noun *arbiter*.

[9] Milotić 2013.
[10] Bussi 2005; cf. Usteri 1955, p. 111 n. 70.
[11] *Dig.* 4.8.27.2.

In a recent contribution, Cardinali proposed a new etymological hypothesis with regard to its formation: he postulates

> l'esistenza di un processo linguistico che da **ar-bh*(*ų*)*o* evolve, attraverso la caduta di *u* semivocalica e la perdita di aspirazione, in **arbo*, forma non attestata ma ricostruita [...]. Da tale **arbo* si sarebbe generato un intensivo **arbito*, [...] di cui *arbiter* sarebbe il *nomen agentis* di tipo radicale". If we accept this reconstruction, the etymological meaning of the lemma *arbiter* would be "colui che si trova frequentemente, ed al tempo stesso costantemente, presso qualcun altro.[12]

Despite the huge body of legal and historical literature on the origins and development of ancient Roman arbitration and the many etymological hypotheses put forward over the years, the history of the Latin term *arbiter* is still full of gaps.[13] The documentation containing the term dates back to the time of the Twelve Tables,[14] that is, to the mid-fifth century BC, and has no equivalent in other Indo-European languages, with the exception of the Umbrian term *arˇputrati*[15] giving rise to the 'vulgate' of the Italic origin

[12] Cardinali 2015, pp. 73-74 (with previous bibliography).

[13] For an etymological analysis of the term, see: *ThlL* II, coll. 404-407 (s.v. *arbiter*); Ernout, Meillet 1979, pp. 42 ff. For its occurrence see Hey 1901, coll. 404 ff.

[14] *XII Tab*. 12.9.3. In the fifth century BC the plebeians succeeded in obtaining a written recording of the system of laws governing life in Rome, a watershed moment that broke the patrician and priestly monopoly of knowledge and interpretation of civil law. This huge innovation was made possible by the defection of one of the leading members of the patrician class, head of the influential *gens* Claudia, Appius Claudius Crassus Regillensis Sabinus, who gave his support to this request, playing a key role in later developments. In the year 451-450 BC, instead of the two consuls, it was decided to appoint a committee of ten men, the *decemviri legibus scribundis*, who were tasked not only with governing Rome but also with *leges scribere* or drawing up the laws of the city. Appius Claudius Crassus was appointed to head this decemvirate. Cf. Broggini 1957, pp. 5-18; Ziegler 1971; Bretone, Talamanca 1981, pp. 147-153; Scevola 2004, pp. 74-77; Capogrossi Colognesi 2014, pp. 73-78.

[15] "L'impossibilità di separare il lat. *Arbiter* dall'umbro *arˇputrati* 'arbitratu' (*Tabulae Iguvinae*, 5a.12) ha dato credito all'etimologia più antica e diffusa accolta dalla maggioranza dei lessici e dei manuali di indoeuropeistica, e, universalmente, dai giuristi: *ar-biter* 'il sopraggiunto', con *ar-* dialettale da *ad-* +*-bit*, riduzione o abbreviamento della radice di lat. *baeto*, *bito* 'andare verso, camminare'"; cf. Martino 1986, p. 11, who in pp. 12-18, provides an overview of the various etymological hypotheses developed so far, dismissing them as being rather weak and lacking the historical traits distinguishing a figure as unique as that of the *arbiter* in

of *arbiter*, a term representing an 'isolated entry' even within the Latin lexicon. The 'an-Indo-European' etymon emerged in Etruscan-Italic *emporia* open to Phoenician trade no earlier than the end of the eighth century BC and no later than the beginning of the sixth century BC; during the early Republic it began to be used as a specifically juridical term in the Roman *forum*, not so much in the context of the tribunal, *Curia* or *Comitium* but in the adjoining market where the Phoenician term *rb* designating a garantor and intermediary in commercial activities may have been diffused.[16]

The hypothesis of the Phoenician lexical loan is supported by the fact that the Phoenicians played a preponderant role in trade exchanges between East and West in the eighth century BC. In the eighth and seventh centuries BC, the leading centres on the Etrusco-Latium-Campanian coasts developed into international *emporia* and meeting places for Etruscans, Italic, and Latin peoples, attracting even Phoenicians and Greeks, as shown by both literary and archaeological sources.[17] This is the context of the birth of Rome, which grew up around the area of the Roman *forum*, on the banks of the Tiber through a process of synoecism of Etruscan, Sabine, and Latin elements. Both the expression *arbiter* and the institutional figure initially designated by it made their first appearance in the multilingual context of the *forum*, which provided fertile ground for language transfer and the diffusion of foreign customs.[18] In monarchic Rome at least, this lemma referred to 'brokers'[19] in the sale of goods and mediators in disputes arising in markets, which not only explains how it came to be transferred to the legal system but also accounts for the antiquity of the name and the nature of the functions of this debated and problematical figure in Roman law.

archaic Rome. Take by way of example the hypothesis formulated by Devoto with regard to the presence of the lemma *arputrati* in the *Tabulae Iguvinae* (5a.12), which he translates as *adventui*: Devoto 1954, p. 407. See also the contributions of Pisani 1964, p. 215; Benveniste 1976, p. 119; Prosdocimi 1984; Prosdocimi 2015.

[16] On the complex system of terms stemming from '*rb*' (which belongs to the special category of *Wanderwörter*), see Martino 1986, pp. 73-85, p. 82 n. 193.

[17] Cf. Maddoli 1982, pp. 43-64.

[18] Cf. Martino 1986, p. 66 n. 148.

[19] Busanel 2011.

If the hypothesis of a Phoenician lexical loan were to be accepted, it would be hugely important for the reconstruction of the history of the lemma as well as for establishing a consequent etymological relationship between the Latin *arbiter* and the Phoenician *arra*, opening up new perspectives for the historical reconstruction of the first contacts between Semitic civilisations and the Classical worlds, as well as for the history of institutions in early Rome.[20]

Given that the semantic history of *arbiter* is undoubtedly connected to the genesis and evolution of an institution – that of arbitration – of primary importance in ancient Roman private law, it was decided to re-examine the historic sources and the authors relative to the figure of the *arbiter* and his jurisdiction in disputes involving discretion, technical expertise, and amicable settlements. On a historical and legal level, the etymology proposed above, suggesting that the figure of 'broker' was received in civil law in the early decades of the Republic, would explain the initial extraneousness of arbiters to trials and the extra-judicial character of the early arbitration procedure. After being taken up by the state trial, this procedure maintained some aspects of its ancient configuration.

The origin of the term, initially present – as pointed out above – in the context of commercial language in use during the regal period of Rome in markets accessed by Phoenician traders, can be traced back to the Semitic cultures in the Near East; thanks to these particular historical and cultural conditions, an etymon from the commercial language diffused thanks to Phoenician and later by Punic navigation was able to penetrate into Etruscan-Latium trading posts and find a 'formal and semantic' acclimatisation in the Latin vocabulary for the designation of 'broker', sales mediator, and expert valuer. It is therefore possible to "giustificare il percorso seguito dal termine *arbiter* 'sensale, intermediario e perito estimatore'" from the glossary of commercial exchanges to the Roman legal lexicon of the sixth century BC "per la designazione di una figura di 'terzo', operante inizialmente *extra ius* come privato conciliatore, ma poi gradualmente recepita

[20] Martino 1986, pp. 22-23.

nel diritto del pretore e da questo disciplinata".[21] This etymology makes it possible to provide a plausible explanation for certain negative connotations that some authors – like Plautus[22] – seem to attribute to the role of mediator.

> In questi anni turbolenti, in cui i capi della plebe, agitatori per lo più facinorosi, comunque potenzialmente pericolosi per le istituzioni, guadagnarono l'accesso alla magistratura (*tribuni plebis*), l'attività stragiudiziale degli intermediari che operavano nel Foro come periti e come arbitri, fu recepita nell'editto pretorio.[23] E non è un caso, forse, che la più remota menzione del termine *arbiter* sia quella delle XII Tavole, che sancirono l'uguaglianza di tutti i liberi, patrizi e plebei, di fronte alle leggi del *ius civile*.[24]

Ultimately, the peculiar diffusion of the word *arbiter* in legal Latin, already in archaic Rome, has caused the recollection of its origins in commercial language to gradually fade. This is due to the fact that in the law of the praetor the term *arbiter* did not mean guarantor but assessor or technical expert;[25] it was later used as the equivalent of 'private' judge, thus transforming the *arbiter*'s original field of action and losing the original meaning.

[21] Martino 1986, p. 8.

[22] Plaut. *Amph.* 2.7-8. Cf. Traina 2005, pp. 44-87.

[23] See *legis actio per iudicis arbitrive postulationem* for which we refer to n. 25. According to Lenel 1927, pp. 130 ff., the praetorian edict was required to include the clause *Qui arbitrium pecunia compromissa receperit, eum sententiam dicere cogam*. The author completes the phrase cited in *Dig.* 4.8.3.2 (Ulp. 13 *ad ed.*: *Ait praetor: 'Qui arbitrium pecunia compromissa receperit'*) by including the expression *eum sententiam dicere cogam*, in particular through the reference made by Ulpian (13 *ad ed.*) in *Dig.* 4.8.15. According to Harries 2001, p. 177, "no one could be compelled to act as arbiter but once he had accepted the job, he was obliged to finish it, to avoid disappointing the disputants" (*Dig.* 4.8.3.1: *tametsi neminem praetor cogat arbitrium recipere quoniam haec res libera et soluta est et extra necessitatem iurisdictionis posita*). Talamanca 1958, pp. 20 ff., claims that the expression *recipere arbitrium* merely meant accepting the functions of *arbiter* and not, as previously suggested by La Pira 1936, p. 212, "accettare di esser arbitro in una controversia impostata entro le formule stipulatorie di un *compromissum*". See also Torrent 1982, pp. 647 ff. Cf. also Capogrossi Colognesi 2014, pp. 140-146.

[24] Martino 1986, pp. 119-120.

[25] Gai. 4.17. Giomaro, Brancati 2005, p. 23: from the Twelve Tables onwards, debts arising out of a *sponsio* and judgements for the division of inheritence were regulated by a specific procedure known as *legis actio per iudicis arbitrive postulationem*. Cf. Marrone 2004; Lovato Puliatti, Solidoro Maruotti 2014.

In archaic Latin, the form *arbitratus*, used in the classical period to refer both to the sentence and role of the *arbiter*, usually designated the decision ensuing from evaluation carried out by the *arbiter* that was known as *damni decisio*.[26]

> Plauto conserva nelle locuzioni 'tuo arbitratu', 'tuus arbitratus est' 'come vuoi tu' l'accezione popolare che rimanda alla funzione di stima e garanzia del mediatore cui le parti affidano la *disceptatio* nella lite o la *sequestratio* della *res*. La formula *arbitrium*, infine, anche se è stata dubitativamente ricostruita nel testo delle XII Tavole, è probabilmente più tarda, costituita sull'analogia di *iudicium*.
>
> In definitiva, anche i derivati di *arbiter* (*arbitror*, *arbitratus*, *arbitrium*) mostrano di conservare, nelle varie tappe della loro storia semantica, memoria dell'antico impiego di *arbiter* nel registro tecnico del commercio, e rivelano la loro idoneità a una ricezione specialistica nel lessico giuridico che con il gergo commerciale si è sempre trovato, nel contesto delle attività del Forum, in una condizione assai favorevole alle reciproche interferenze.[27]

Concluding, we could hypothesise that the figure of the *arbiter* probably entered ancient Roman trial procedures, alongside the figure of *iudex*, during the course of the political and social upheavals characterising the final years of the sixth century BC and the mid-fifth century BC, with the codification of the Twelve Tables,[28] in which the term *arbiter* occurs for the first time.

In the classical period, the *arbiter* chosen by the parties undertook to deliver the judgement by means of an agreement known as *receptum arbitri*. The *arbiter*'s decision had to be accepted and respected by the parties. Failure to do so meant the losing party would incur penalties,[29] regardless of whether the *sententia* seemed fair or unfair.

[26] Pisani 1974, p. 121. Cf. the consistently topical essential works by: Ernout, Meillet 1959; Benveniste 1976.

[27] Martino 1986, pp. 118-119.

[28] Cf. Broggini 1957, pp. 44-50; Kaser 1966, pp. 20-25; Albanese 1987, p. 12; Pugliese 1991, p. 74; Pugliese, Vacca, Sitzia 2012; Diliberto 2015, pp. 291-300. See also Talamanca 2015.

[29] Penalties could involve property other than *pecunia*: *Dig*. 4.8.11.2 (Ulp. 13 *ad ed.*): *Quod ait praetor: 'pecuniam compromissam', accipere nos debere. non si*

Neither the agreement between the parties to submit the dispute to an *arbiter* nor the *arbiter*'s pledge to deliver the judgement gave rise to an obligation. However, the entire negotiation process, whether in the typical form described or in a form respecting its essential characteristics, enjoyed the protection of praetorian *coercitio* with regard to an *arbiter* failing to fulfil the obligations assumed.[30] The penalty imposed upon parties infringing obligations assumed by means of the *compromissum*[31] corresponded to the sum promised in the *stipulatio* receivable through a normal action. The sources are quite clear in stating that if one of the parties were to appeal to an ordinary judge, despite the *compromissum*, the other party would not be able to raise an objection regarding the agreement but could act *ex stipulatu*.[32]

There is a general scarcity of sources on arbitration dating to the post-classical period.[33] The compilation of the Code of Justinian contains no evidence of changes to this institution in this period.

Nonetheless, the Code of Justinian[34] contains three edicts from the second and third century AD (the *Constitutio Antoniniana*; the Constitution of Carus, Carinus, and Numerianus; and the Constitution of Diocletian and Maximian) followed by three Justinian *leges* enacted between AD 529 and 531. The lack of changes dating to the post-classical period could be evidence that

utrimque poena nummaria, sedsi et alia res vice poenae, si quis arbitri sententia non steterit, promissa sit: et ita Pomponius scribit. The promise could also concern the value of the proceedings or a *facere*; in this regard see Talamanca 1958, pp. 116 ff.).

[30] If the *arbiter* failed to respect the *receptum* the magistrate could adopt coercive measures: *Dig*. 4.8.3.1-5 (Ulp. 13 *ad ed.*); *Dig*. 4.8.32.12 (Paul. 13 *ad ed.*). Most scholars maintain that the fragment of Paul confirms the existence of an "administrative" penalty: see, most recently, Scevola 2004, pp. 137 ff., D'Ors (1997, p. 280), and Paricio (1984, pp. 297 ff.) who claim that the parties involved were entitled to take action *in factum* against an *arbiter* who refused to pronounce a sentence despite the *receptum*.

[31] Harries 2001, p. 178: "The jurists therefore spent much effort on picturing situations in which the arbiter might repeal, or be unable, to make his award, such as if one party was declared bankrupt and could therefore neither sue nor be sued. They also had to anticipate occasions when one or more of the parties might break the terms of the *compromissum* 'with impunity', that is, without forfeiting *poena*".

[32] Talamanca 1958, p. 19; Sotty 1984; Izzo 2013 (with preceding bibliography).

[33] Cf. Harries 2001, pp. 175-184.

[34] *C.J.* 2.55(56), *de receptis*.

no issues requiring imperial intervention had arisen during that time.[35] As Rinolfi rightly points out, we can be certain that:

> l'arbitrato continuò ad essere utilizzato, in forme probabilmente non lontane da quelle classiche, dato che in alcune costituzioni si menzionano gli *arbitri sponte delecti* ed anche il *compromissum*.[36]

In this regard, there is a highly significant edict of Arcadius and Honorius that allows Jews to submit their civil disputes to their patriarch, provided that the forms of Roman arbitration are respected:[37]

> *Sane si qui per conpromissum ad similitudinem arbitrorum, apud Iudaeos vel patriarchas ex consensu partium in civili dumtaxat negotio putaverint litigandum, sortiri eorum iudicium iure publico non vetentur*.

Thus in the post-classical era, we find a model resembling the classical one, at least as far as the agreement between the parties and the choice of *arbiter* are concerned.

One example is the fact that in AD 529 Justinian issued an edict[38] which, recognising the practice of sworn submissions to

[35] According to D'Ors 1997, p. 285, the introduction of the *episcopalis audientia* (cf. Rinolfi 2010, pp. 191-240) and the rise of Christianity contributed to the decline of the classical institution of *arbitrium ex compromisso*.

[36] Rinolfi 2010, p. 198.

[37] *C.Th*, 2.1.10.

[38] *C.J.* 2.55(56).4: (*Imp. Iustinianus a Demostheni*): *Ne in arbitris cum sacramenti religione eligendis periurium committatur et detur licentia perfidis hominibus passim definitiones iudicum eludere, sanctissimo arbitrio et huiusmodi rem censemus esse componendam*. 1. *Si igitur inter actorem et reum nec non et ipsum iudicem fuerit consensum, ut cum sacramenti religione lis procedat, et ipsi quidem litigatores scriptis hoc suis manibus vel per publicas personas scripserint vel apud ipsum arbitrum in actis propria voce deposuerint, quod sacramentis praestitis arbiter electus est, hoc etiam addito, quod et ipse arbiter iuramentum praestitit super lite cum omni veritate dirimenda, eius definitionem validam omnimodo custodiri et neque reum neque actorem posse discedere, sed tenere omnifariam, quatenus oboedire ei compellantur*. 2. *Sin autem de arbitro quidem nihil tale fuerit vel compositum vel scriptum, ipsae autem partes litteris hoc manifestaverint, quod iuramenti nexibus se illigaverint, ut arbitri sententia stetur, et in praesenti casu omnimodo definitionem arbitri immutatam servari, litteris videlicet eorum similem vim obtinentibus, sive ab initio hoc fuerit ab his scriptum vel praefato modo depositum, dum arbiter eligebatur, sive post definitivam sententiam hoc scriptum inveniatur, quod cum sacramenti religione eius audientiam amplexi sunt vel quod ea quae statuta sunt adimplere*

arbitration (*compromissum*) – it is clear from the *principium* that

iuraverunt. 3. *Sed et si ipse solus arbiter hoc litigatoribus poscentibus et vel scriptis vel depositionibus, ut dictum est, manifestum facientibus praestiterit iuramentum, quod cum omni veritate liti libramenta imponat, similem esse etiam in praesenti casu prioribus eius definitionem et eam omnimodo legibus esse vallatam.* 4. *Et in his omnibus casibus liceat vel in factum vel condictionem ex lege vel in rem utilem instituere, secundum quod facti qualitas postulaverit.* 5. *Sin autem in scriptura quidem aut depositione nihil tale appareat, una autem pars edicat iuramentum esse praestitum, quatenus arbitrali stetur sententia, huiusmodi litigatorum vel solius arbitri sermones minime esse credendos, cum et, si quis iusiurandum datum esse non iudice suppositonec hoc scriptura partium testante concesserit, incerti certaminis compositio, quae inter homines imperitos saepe accidit, non aliquid robur iudicatis inferat, sed in huiusmodi casu haec obtineant, quae veteres super arbitris eligendis sanxerunt.* 6. *Si quis autem post arbitri definitionem subscripserit ἐμμένειν vel στοιχεῖν vel πληροῦν vel πάντα ποιεῖν vel διδόναι (Graecis enim vocabulis haec enarrare propter consuetudinem utilius visum est), etsi non adiecerit ὁμολογῶ, et sic omnimodo per actionem in factum eum compelli ea facere quibus consensit. qualis enim differentia est, si huiusmodi verbis etiam ὁμολογῶ adiciatur vel huiusmodi vocabulum transmittatur?* 7. *Si enim verba consueta stipulationum et subtilis, immo magis supervacua observatio ab aula concessa est, nos, qui nuper legibus a nobis scriptis multa vitia stipulationum multasque ambages scrupulososque circuitus correximus, cur non et in huiusmodi scripturato tam formidinem veteris iuris amputamus, ut, si quis haec scripserit vel unum ex his, adquiescere eis compellatur et ea ad effectum omnimodo perducere? cum non est verisimile haec propter hoc scripsisse, ut tantum non contradicat, sed ut etiam ea impleat, adversus quae obviam ire non potest. Recitata septimo miliario in novo consistorio palatii Iustiniani. d. III k. Nov. Decio vc. cons.* [*a. 529*]. (The Emperor Justinian to Demosthenes, Praetorian Prefect. In order that perjury may not be committed in the case of arbiters, their selection should be confirmed by the solemnity of an oath, and that opportunity may not indiscriminately be afforded perfidious men to evade the decisions of judges, We order that questions of this kind shall be decided by the arbiter as follows: (1) Where the same judge has been selected by both plaintiff and defendant, who have agreed that the case shall proceed under the sanction of an oath, and the litigants themselves have consented to this either in writing or in the presence of public officials, or have stated it before the arbiter selected who reduced it to writing, and it shall also be added that the arbiter himself administered the oath for the purpose of disposing of the case in accordance with the truth, We order that the award shall, under all circumstances, remain unaltered, and that neither the defendant nor the plaintiff can disobey it, but that they shall be absolutely compelled to respect and comply with it. (2) If, however, nothing of this kind was either done or written by the arbiter, but the parties themselves produced a statement in their own handwriting, setting forth that they had bound themselves by oath to abide by the decision of the arbiter, in this instance, his award shall be maintained inviolate, for the reason that the statement of the parties themselves has the same force, whether it was made in the beginning, or drawn up in the above-mentioned manner at the time when the arbiter was chosen, or whether this written instrument was found after final judgment was rendered, either for the reason that the said parties confirmed the authority of the arbiter with the solemn formality of an oath, or because they swore to execute what had already been decided. (3) If it is evident by the instruments or the statements already mentioned that the arbiter himself alone took the

this was not a new practice introduced by the emperor[39] – regulates its form and consequences, and also provides for the case in which only the parties, or only the chosen *arbiter*, would swear an oath.

As we have seen, the body of terminology including both the term *arbitratus* and the term *arbiter* experienced a number of changes in time that helped increase its ideological connota-

oath, on the demand of the litigants, that he would decide the case in accordance with the truth, the award in the present instance, as in the former one, shall, in every respect, be valid according to law. (4) In all these cases, it shall be lawful for either an action in factum, a personal action for recovery under the law, or an equitable real action to be brought, according as circumstances may demand. (5) If, however, nothing of this kind should appear, either in writing or in the statements made, and only one party alleges that he has been sworn, no faith shall be given to the award of the arbiter alone or to the statements of one of the parties; for even if it should be admitted that an oath had been taken, but not in the presence of the court, and no written evidence of either of the parties was produced to show this, the conduct of an uncertain contest, which frequently takes place among ignorant men, does not in the least deprive the judgment of its force; but, in a case of this kind, all the rules should be observed which the ancient authorities laid down with reference to the selection of arbiters. (6) He who has stated in writing at the end of the award of the arbiter that he approved of it, or that he would comply with it (by using certain Greek terms for this purpose, which by custom are considered preferable), although he may not have added 'I promise', should be compelled by the action in factum to perform what he agreed to; for what difference is there when 'I promise' is added to these words, or when the expression is absolutely omitted? (7) For if We have corrected many defects in stipulations, as well as disposed of the innumerable circumlocutions and ambiguities with which they were overwhelmed, after having abolished the ordinary formulas and the subtle and superfluous statements which they contained, by means of laws recently enacted by Us, why should We not remove all the perplexities of the ancient law from instruments of this description, so that, where such an instrument is drawn up, one of the parties will be obliged to acquiesce in it, and be absolutely compelled to carry it into effect? For it is not probable that a document of this kind has been written only for the purpose of having it disputed; but rather in order that a decision, against which no opposition can be manifested, may be executed. Given on the third of the Kalends of November, during the Consulate of Decius, 529) [English translation: S. P. Scott, *The Civil Law*, XII, Cincinnati 1932].

[39] De Ruggiero 1893, pp. 190 ff., claims that this Justinian reform did not recognise an ancient practice given that in the classical period the *arbiter ex compromisso* did not need to swear an oath. Cf. also: Bonifacio 1958, p. 926, who, in reference to the classical period, claims that despite the presence of the oath of arbitration in *CIL* IX 2827 (epigraph dating to the second century AD: *C*(*aius*) *Helvidius Priscus arbiter ex conpromisso inter Q*(*uintum*) *Tillium Eryllum procuratorem Tilli Sassi et M*(*arcum*) *Paquium Aulanium actorem municipi Histoniensium utrisq*(*ue*) *praesentibus iuratus sententiam dixit in ea verba q*(*uae*) *inf*(*ra*) *s*(*cripta*) *s*(*unt*), this did not represent the 'general rule'. See also Paricio 1987, pp. 69, 107 ff., 119, who believes that the oath was introduced by Justinian as part of a policy intended to reduce the differences between this type of *arbiter* and ordinary judges.

tion, even when specific lemmas were transferred into the field of public law and used in this context (think, for example, of the description of Petronius as *arbiter elegantiae*[40]). Nevertheless, it was their use in the public sphere, in close connection with justice, that gave rise to extensive discussions and led to the development of sophisticated reflections with regard to historical and political events. The Roman legal practice, which drew extensively upon early jurisprudence, perfecting its intrinsic meaning, proved to be extremely aware of the public 'dimension' of *arbitratus* and *arbiter* in the central phases of the expansionist process. These are features emerging from a consultation of the sources with the aim of grasping original material as it appears immediately, and this in order to understand which principles and archetypes framed a long and complex conceptual path.

Finally, having established that the notions of arbitration, considered an alternative instrument to ordinary civil law for the resolution of disputes, and of *arbiter*, considered as the person carrying out the function and with the power to effectively resolve a dispute between two or more parties in response to the wishes expressed by the litigants or by some means linked to them, are still used in modern jurisprudence,[41] we should underline that they refer to concepts codified in classical Roman law and whose basic forms were outlined by the jurisprudence dating back to the second century BC onwards; it was in this period that Rome began to 'perfect' its relationships with other urban realities, both Italic and non-Italic, and this is the area that we decided to focus on in our thorough re-examination of the sources, so as to identify its original requisites and subsequent developments.

The research that we intend to investigate in depth in the following pages begins by looking at an application of the 'principle of relativity' of the legal phenomena that aspires to be both reasonable and rigorous, in the context of an analysis aiming to reconstruct the diachronic stratifications and modes characterising the institution of arbitration, without which the evolutive connotation of the figure of the Roman Senate *arbiter* in territo-

[40] Tac. *Ann.* 16.18.

[41] Cf. Compatangelo, Galli 2016; Cassano, Capo, Freni 2018. See also Dusi 2019.

rial disputes, particularly those occurring in the second century BC, would not be perceivable. It is no coincidence that this century was marked by the start of what Capogrossi Colognesi would define as "l'interna trasformazione dell'impero di una città in un impero di città".[42]

It may be useful to recall De Francisci's[43] affirmation regarding the impossibility of uprooting a legal phenomenon from a specific spatial and temporal dimension, given the need to examine, study, and interpret it in the light of the context from which it emerges and in which it is applied, always taking into account the various phases of the evolution of law.

Jurisprudence is a science that is capable of shaping political, social, and economic contexts. It would lose its meaning and function if it were to be stripped of the contexts providing the material content for its analysis. If it is true that scientific jurisprudence considers the law as an expression of politics, this means that it is not something standing outside of history.

> Una giurisprudenza astratta e distaccata esiste tanto poco quanto un'intelligenza dello stesso tipo. Il pensiero giuridico-scientifico si perfeziona solo in connessione con un concreto ordinamento storico.[44]

Since the time of Savigny we have known that jurisprudence confers a scientific form to the material originating from history.[45] In fact, Savigny made it clear that a real legal system, which is the foundation of law, cannot be isolated from its history – considered not just as mere erudition but the place where law acquires its true meaning – not just with respect to the past but above all with respect to the present and possibly even to the future. Legal science will only continue to exist if it "riesce ad affermare in una dimensione storica rettamente conosciuta e resa fruttuosa il terreno della propria esistenza".[46]

M. F. P.

[42] Capogrossi Colognesi 2014, p. 16.
[43] De Francisci 1926, pp. 46-65.
[44] Schmitt 1972, p. 274.
[45] von Savigny 1814. Cf. Garofalo 2007, pp. 299-323.
[46] Schmitt 1991 [1950], p. 14.

1.
THE CONCEPT OF 'INTERNATIONAL' ARBITRATION IN THE ROMAN WORLD

Les Romains avaient porté les choses au point que les cités et les rois étaient leurs sujets, sans savoir précisément à quel titre.
(M. De Montesquieu, *Considérations sur les causes de la grandeur des Romains et de leur décadence*, Paris 1734)

1.1. *The anthropological and political value of intermediation procedures*

While it is true that the concept of violence, with its various meanings, plays a key role in the creation (and continual modification) of social norms and balances,[47] it is equally true, that from the earliest times, humans have sought to develop 'alternative' systems that are less costly – in terms of human lives as well as of political energies[48] – with the aim of resolving the situations of conflict that may arise within a single organisation or between different institutions.

In the latter case, which is our primary concern, there is evidence dating to the earliest times of the existence of institutions falling within the scope of the 'international' legal system in the Mediterranean area, the most significant example of which are the documents found in Tell el-Amarna[49] containing diplomatic correspondence between Egypt and the Near Eastern kingdoms during the second millennium BC.

Despite the success of the Hobbesian model of interpretation – which had such an influence upon nineteenth- and twentieth-century Roman Law studies,[50] diffusing the idea of human

[47] Richer 2005. On the relationship between power and violence, see Balibar 2005.

[48] Copeland 1999.

[49] An archive written in Akkadian cuneiform on 380 clay tablets found in 1887 (see Liverani 1998 and 1999).

[50] Mommsen 1854; Frezza 1938. *Contra* Heuss 1933; De Martino 1973 [1954]; Catalano 1965.

relationships, at least those in a so-called "state of nature", exclusively directed at hostility and perennial war (the so-called *bellum omnium contra omnes*) – the evolution of the meaning of the term *hostis*[51] seems to show that the gradual identification of 'stranger' with 'enemy' *tout court* in the Roman world was linked to Rome's imperialistic expansion:[52]

> *Equidem etiam illud animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi rei tristitiam mitigatam. Hostis enim apud maiores nostros is dicebatur, quem nunc peregrinum dicimus. Indicant duodecim tabulae* [...] *Quamquam id nomen durius effect iam vetustas; a peregrino enim recessit et proprie in eo, qui arma contra ferret, remansit*.

This negative specialisation of the term *hostis* is certainly a sign that even in the Latin lexicon 'extraneousness' ("usually in a spatial sense") represented a recurrent trait of political alterity where a virtuous "shared centrality" stood in opposition to a "harmful and discriminating" distance.[53] However, this indisputable cultural trait must also take into account the many facets of this process, recognising the original positive quality of the term *hostis*, which reveals a specific wish to equate subjects individually distinguishable by geographic origin but ideally united by the fact that they all belong without distinction to the human race.[54] In fact, according to the Ciceronian theory of the *gradus societatis*, which is indebted to the Stoic doctrine of *oikeiosis*,[55] the broadest *societas vitae* was the one grouping together by all men (*societas*

[51] Serv. *ad Aen*. 4.424; Cic. *Off.* 1.37.12; Varro *LL* 5.3; Fest. p. 416 L. Cf. Sini 1991, pp. 145-183.

[52] Cic. *Off.* 1.37.12: "This also I observe – that he who would properly have been called 'a fighting enemy' (*perduellis*) was called 'a guest' (*hostis*), thus relieving the ugliness of fact by softened expression; for 'enemy' (*hostis*) meant to our ancestors what we now call 'stranger' (*peregrinus*). This is proved by the usage in the Twelve Tables [...] And yet long lapse of time has given that word a harsher meaning: for it has lost its signification of 'stranger' and has taken on the technical connotation of 'an enemy under arms'".

[53] Maiuri 2017, p. 458. The analysis of the following terms seems significant in this sense: *per-egrinus*, *ad-vena* and *extra-neus*.

[54] Maiuri 2017, p. 460.

[55] Stob. *Anth.* 4.84.23.

hominum)[56] by *natura*[57] and towards which the *bonus vir* had duties.

This consideration is even more significant when seen in the context of a tradition, like the Roman one, recognised by Lintott as being particularly tolerant of the use of violence within political and private disputes:[58]

> Roman tradition tolerated and even encouraged violence in political and private disputes, and both the law and constitutional precedent recognized the use of force by private individuals. This had wide influence, especially on aristocratic politicians, when great issues were at stake and feelings were running high. Moreover, it was reinforced by the Roman cult of expediency in matters where the physical coercion of people, whether legal or illegal, was involved.

While we certainly do not wish to attribute to the Romans some kind of 'natural' inclination towards the use of force as a hegemonic instrument, it is undeniable that the historiographers of antiquity already recognised the key role played by terror (*phobos* and *kataplexis*)[59] in maintaining power.

On the other hand, if we examine the celebrated opinion of Diodorus Siculus (who may have been inspired by Polybius[60]), we will see that a decisive contribution – in the extending of political supremacy – was also made by moderation[61] and consideration for others (*epieikeia* and *philanthropia*):[62]

> Ὅτι οἱ τὰς ἡγεμονίας περιποιήσασθαι βουλόμενοι κτῶνται μὲν αὐτὰς ἀνδρείᾳ καὶ συνέσει, πρὸς αὔξησιν δὲ μεγάλην ἄγουσιν ἐπιεικείᾳ καὶ φιλανθρωπίᾳ, ἀσφαλίζονται δὲ φόβῳ καὶ

[56] Cic. *Off.* 1.16.50-51; 1.17.54; 3.17.69.

[57] Cic. *Off.* 3.12.53.

[58] Lintott 1968, p. 4.

[59] Thornton 2006.

[60] Carsana 2013.

[61] D'Agostino 1973, p. 38.

[62] Diod. Sic. 32, fr. 2: "Those whose object is to gain dominion over others use courage and intelligence to get it, moderation and consideration for others to extend it widely, and paralyzing terror to secure it against attack. The proofs of these propositions are to be found in attentive consideration of the history of such empires as were created in ancient times as well as of the Roman domination that succeeded them".

> καταπλήξει: τούτων δὲ τὰς ἀποδείξεις λάβοις ἂν ταῖς πάλαι ποτὲ συσταθείσαις δυναστείαις ἐπιστήσας τὸν νοῦν καὶ τῇ μετὰ ταῦτα γενομένῃ Ῥωμαίων ἡγεμονίᾳ.

The concept of *epieikeia*[63] is particularly worth considering in this context. This idea, semantically rich enough to embrace both moral philosophy and law, was fully applied in the context of political strategy probaly from Thucydides onwards although, in line with his city's imperialism, he does not seem to accord it the same ethical and moral value as Aristotle later would.

Unlike Aristotle, Thucydides directly linked the application of *epieikeia* to the *modus imperandi*,[64] underlining the opportuneness of reserving this indulgence for those "intending to remain loyal", also in the future, rather than for those with the intention of remaining enemies.[65]

Although his view was the result of a certain sophistic pragmatism arising from the historic circumstances at that time,[66] it was not far removed from the complex Aristotelian interpretation considering *epieikeia* as a "special form of justice" to be applied whenever a law revealed flaws caused by its universal nature and therefore needed 'guiding' towards the proper form of application for the case concerned.[67]

The attempt to reconcile a formal aspect of law with those aspects defined by D'Agostino as "valori extragiuridici quali la convivenza, l'umanità, la ragionevolezza"[68] must have led Aristotle to identify *epieikeia* with a complex system of intellectual, moral, and relational qualities[69] not ascribable to the ruler alone but to every virtuous man.

[63] Depending on the context in which it is used, this term can mean 'equity', 'convenience' or 'moderation'. On the impossibility of superimposing the Latin *clementia* upon the Greek *epieikeia* cf. Grimal 1984 who attributes an exclusively individualistic value lacking an *a priori* concreteness to the latter term while recognising in the former an intrinsic meaning preceding the military conquest that would become ingrained in the Roman collectivity, shaping it.

[64] Prandi 1998.

[65] Thuc. 3.40.

[66] D'Agostino 1973, pp. 34-39.

[67] Ar. *Eth. Nic.* 5.1137a 31-1138a 3. Cf. Rodríguez Luño 1997.

[68] D'Agostino 1973, p. 82.

[69] Piazza 2009.

Even in its strictly technical sense, *epieikes* referred above all to someone revealing "the capacity to adapt to circumstances" and a marked "sense of opportunity".[70] Significantly, a preference for arbitration with respect to legal proceedings was attributed to those in possession of this quality – "for the arbitrator keeps equity in view, wherease the dicast looks only to the law, and the reason why arbitrators were appointed was that equity might prevail"[71] – in an attempt to mitigate legislative absoluteness by adapting general criteria to the concrete case.

1.2. *The* ius gentium *and the concept of 'international' in the Roman world*

In Rome – just like in Greece during the transition from Draconian to Solonian legislation – the juridical-moral and political meanings of the term *epieikes* seemed to have particular links to the practice of arbitration, which significantly developed just as the traditional and legalistic idea of justice was being thrown into crisis and there was an increasing tendency to value the individual over the universal, concrete over abstract, *ius aequum* over *ius strictum*.[72] Although undoubtedly rooted in the Greek philosophy of law with its dialectic relations between *physis* and *nomos*,[73] this process became tangible in a truly Roman cultural

[70] Di Piazza, Piazza 2017, p. 393.

[71] Ar. *Rhet.* 1.13.1374a-b. Frosini's analysis proves to be of key importance in this context (Frosini 1966, p. 71): "Aristotele mostra di voler dare dell'equità una interpretazione propriamente 'giuridica', e non già astrattamente etica (come pure è stata intesa non di rado l'equità). Si può dire che, in definitiva, egli distingua le leggi scritte dalle leggi non scritte, e che riconosca il principio di valutazione giuridica, che è proprio delle seconde, nel principio della 'equità', che compendia per lui anche quelli della natura dei fatti, dei princpii generali del diritto, e di altri ancora, cui possa farsi ricorso, per integrare le lacune di un ordinamento giuridico. L'equità è dunque per Aristotele il metodo di applicazione della legge non scritta. Essa è intesa perciò a rimediare a quella applicazione della legge, 'che espelle dal proprio seno la giustizia, e si appaga della mera legalità' (Piazzese), senza per questo che si debba fare ricorso alle norme del diritto naturale, che sarebbero anch'esse, comunque, delle norme, cioè delle regole generali, destinate ad infrangersi, senza potersi piegare, sulla dura pietra del fatto singolo da giudicare". Cf. Hewitt 2008; Piazza 2007.

[72] Falcón y Tella 2008, p. 20.

[73] Domingo Oslé 2010, p. 6: "Greek thought, like no other, recognizes a limit on free will imposed by nature, custom, reason, law, or religion".

product: the *ius gentium*, considered in some way a law common to all peoples.[74]

While recent studies have shown that this notion was not linked to a specific field of law[75] – at least in the Republican period – from the earliest Ciceronian attestations[76] it was clear that its application extended beyond the boundaries of private law, crossing over into the scope of 'international' law,[77] although without attributing a 'universalistic' value to this terminology, inconceivable in such a context.[78] In fact, internationalists usually date "il sistema delle norme che regolano le relazioni tra gli Stati dall'esterno dei rispettivi ordinamenti"[79] to no earlier than the sixteenth or seventeenth centuries when the concepts of sovereignty and 'international community' both emerged. Although sound in many respects, the idea that ancient peoples lacked a 'law of the peoples' – intended in the modern sense and therefore capable of presupposing "il volontario riconoscimento del diritto da parte degli Stati organizzati in libera coesistenza eguale ed autonoma" – should not exclude *a priori* the existence of 'vertical' relations

[74] For the transition from the three *societates* to the *ius gentium*/*ius civile* dualism where the contents attributed to the *lex naturae* are like principles present in each *gens* and are therefore referrable to the *ius gentium*, see Falcone 2013, pp. 265-266. For a comparison with the *lex naturae* based in Stoicism, see Fiori 2016, p. 122.

[75] According to Talamanca it is possible to distinguish between a "descriptive use" and a "dogmatic use" of the syntagm *ius gentium*. In the former case, it refers to the part of Roman law corresponding to the customs diffused among civil populations; in the latter, to the sector of the *ius civile* concerning foreigners (Talamanca 1998, pp. 192 ff.).

[76] Cic. *pro Rosc. Am.* 49.143; *de har. resp.* 14.32; *de orat.* 1.13.56; *part. or.* 37.129; *pro Rab. Post.* 15.42. These writings document a jurisprudence that had been established for some time, probably at least since the second century BC if not earlier. Cf., again for the Republican period, *Bell. Hisp.* 42.4; Nep. *Them.* 7.4; Sall. *Bell. Iug.* 22.4; 35.7.

[77] Fiori 2016. Cf. Lombardi 1947. On the birth and evolution of the term 'international' in the legal sector, see Suganami 1978.

[78] Fernández de Buján 2010, pp. 287-289: "El *ius gentium* no es un derecho de los extranjeros, sino un derecho accesible a los extranjeros, formado por instituciones romanas y no romanas, pero aceptadas estas últimas por los pueblos del mundo mediterráneo; de ahí que se hable en ocasiones de un pretendido derecho universal que no es tal en realidad, sino que es al universo romano al que se alude con la expresión" (p. 287).

[79] Ziccardi 1964, pp. 988 ff.

between the *communitas orbis* and the single political entity, even in historical periods prior to the 1648 Peace of Westphalia.[80]

In such cases, according to Schmitt, it is possible to refer to a kind of "pre-global international law",[81] whose ability to take the concrete form of a legal system is based on the existence of geo-political areas "nelle quali è possibile stabilire un *modus vivendi*, mediante un sistema di norme"[82] and not merely on the existence of national states – considered as entities *superiorem non recognoscentes* – willing to interact with each other.[83] As far as the ancient world is concerned, it may actually be more appropriate – as pointed out by Giliberti[84] – to also include 'transnational' procedures implying an idea of deterritorialisation, given that the *trans-* prefix is more suited to conveying both the idea of principles that transcend 'national' law by going 'beyond' it while englobing it and the idea of a law 'without' a state – like the *ius commune*, the *lex mercatoria*, or Islamic law.[85]

In a Roman context, *ius fetiale* and *ius gentium* collaborated within this complex system of 'vertical' relations: the former by exercising its universalistic vocation[86] while the latter, which brought together elements from juridical and philosophical speculation and placed itself under the domain of the primitive *fides* and of the praetorian *bona fides*, answered both public and private practical demands arising in the course of the third century BC. Although relations with foreigners could not be described as egalitarian, they were inspired, in both ideal and practical terms, by the virtues of *beneficentia*, *liberalitas*, *bonitas*, and *iustitia*:[87]

[80] This particular date was chosen because the Peace of Westphalia is generally identified as the moment when a "system of co-existence" came into being between the States based on the fact that, regardless of the faiths professed by their respective sovereigns, these States can be assimilated to each other in that they are sovereign state entities and members of a single international community. See Sapienza 2013, pp. 4-7.

[81] Schmitt 1991 [1950]. According to the author, "global law" comes into existence from 1492 onwards, following the discovery of the new world.

[82] Giliberti 2015, p. 3.

[83] Quadri 1968, p. 25.

[84] Giliberti 2015.

[85] Ferrarese 2006, pp. 103-138.

[86] Sherman 1918.

[87] Cic. *Off.* 3.6.28: "Others again who say that regard should be had for the rights of fellow-citizens, but not for foreigners, would destroy the universal broth-

> *Qui autem civium rationem dicunt habendam, externorum negant, ii dirimunt communem humani generis societatem; qua sublata beneficentia, liberalitas, bonitas, iustitia funditus tollitur; quae qui tollunt, etiam adversus deos immortales impii iudicandi sunt. Ab iis enim constitutam inter homines societatem evertunt, cuius societatis artissimum vinculum est magis arbitrari esse contra naturam hominem homini detrahere sui commodi causa quam omnia incommoda subire vel externa vel corporis … vel etiam ipsius animi, quae vacent iustitia; haec enim una virtus omnium est domina et regina virtutum.*

According to Cicero, *utilitas* and *ratio* were the guiding principles of those in charge of the *res publica* as well as of those appointed to wage wars, thus ensuring that battles were only fought with the aim of brokering peace.[88] However, he also criticised a certain ruthlessness in Roman imperialism,[89] admitting that Rome was not always inspired by such noble ideals in its 'international' relations. Nevertheless, the golden rule of pragmatic moderation in the administration of 'international' affairs must have continued to resonate with historians and princes even several centuries after Aristotle's death, if Cassius Dio could put these prophetic words into the mouth of Livia, who draws a highly effective comparison with the physician's art:[90]

erhood of mankind; and when this is annihilated, kindness, generosity, goodness, and justice must utterly perish; and those who work all this destruction must be considered as wickedly rebelling against the immortal gods. For they uproot the fellowship which the gods have established between human beings, and the closest bond of this fellowship is the conviction that it is more repugnant to nature for man to rob a fellow-man for his own gain than to endure all possible loss, whether to his property or to his person … or even to his very soul – so far as these losses are not concerned with justice; for this virtue is the sovereign mistress and queen of all virtues". Cf. Cic. *De inv.* 2.53.160; *Off.* 1.14.42.

[88] Cic. *Off.* 1.23.79-80; 1.2.35.

[89] Cic. *Rep.* 3.8-11; 3.13-19.

[90] Cass. Dio 55.17.1-3: "Do you not observe that physicians very rarely resort to surgery and cautery, desiring not to aggravate their patients' maladies, but for the most part seek to soothe diseases by the application of fomentations and the milder drugs? Do not think that, because these ailments are affections of the body while those we have to do with are affections of the soul, there is any difference between them. For also the minds of men, however incorporeal they may be, are subject to a large number of ailments which are comparable to those which visit our bodies. Thus there is the withering of the mind through fear and its swelling through passion; in some cases pain lops it off and arrogance makes it grow with conceit; the disparity, therefore, between mind and body being very slight, they

> Ἢ οὐχ ὁρᾷς ὅτι καὶ οἱ ἰατροὶ τὰς μὲν τομὰς καὶ τὰς καύσεις σπανιώτατά τισι προσφέρουσιν, ἵνα μὴ ἐξαγριαίνωσιν αὐτῶν τὰ νοσήματα, τοῖς δὲ αἰονήμασι καὶ τοῖς ἠπίοις φαρμάκοις τὰ πλείω μαλθάσσοντες θεραπεύουσι; μὴ γάρ, ὅτι ἐκεῖνα μὲν τῶν σωμάτων ταῦτα δὲ τῶν ψυχῶν παθήματά ἐστι, διαφέρειν τι νομίσῃς αὐτὰ ἀλλήλων. Πάμπολλα γὰρ ὅμοια τρόπον τινὰ καὶ ταῖς γνώμαις τῶν ἀνθρώπων, κἂν τὰ μάλιστα ἀσώματοι ὦσιν, καὶ τοῖς σώμασι συμβαίνει· συστέλλονταί τε γὰρ ὑπὸ φόβου καὶ ἐξοιδοῦσιν ὑπὸ θυμοῦ, λύπη τέ τινας κολούει καὶ θάρσος ὀγκοῖ, ὥστ᾽ ὀλίγον σφόδρα τὸ παραλλάττον αὐτῶν εἶναι, καὶ διὰ τοῦτο καὶ παραπλησίων ἰαμάτων αὐτὰ δεῖσθαι. Λόγος τε γὰρ ἠπιός τῳ λεχθεὶς πᾶν τὸ ἀγριαῖνον αὐτοῦ χαλᾷ, καθάπερ τραχὺς ἕτερος καὶ τὸ ἀνειμένον ὀργίζει· καὶ συγγνώμη δοθεῖσα καὶ τὸν πάνυ θρασὺν διαχεῖ, καθάπερ ἡ τιμωρία καὶ τὸν πάνυ πρᾷον χαλεπαίνει. Αἱ μὲν γὰρ βίαιοι πράξεις ἀεὶ πάντας, κἂν δικαιόταται ὦσι, παροξύνουσιν, αἱ δὲ ἐπιεικεῖς ἡμεροῦσι.

So while rejecting an excessively benevolent vision of a lenient universal *patrocinium*[91] as an imperialistic model, we should also recognise that the Roman political and legal system had at its disposal various instruments that were far less costly – in terms of human and financial commitment – in order to promote advantageous 'international' relations. An example of this can be found in Livy's tripartite institutional classification (*tria genera*) of *foedera*, whose enforcement was, in Livy's opinion, one of the issues linked to the *ius gentium*.[92]

According to Livy, *foedera* could take the shape of a diktat imposed upon a conquered population or of treaties drawn up at the end of conflict that did not conclude with the unequivocal victory of one side over the other. However, there was also a third type of treaty involving parties who had not been at war with each other. Unlike the other two treaties described, the *sociale foedus* did not only establish a future relationship of everlasting peace but was also

accordingly require cases of a similar nature. Gentle words, for example, cause all one's inflamed passion to subside, just as harsh words in another case will stir to wrath even the spirit which has been calmed; and forgiveness granted will melt even the utterly arrogant man, just as punishment will incense even him who is utterly mild. For acts of violence will always in every instance, no matter how just they may be, exasperate, while considerate treatment mollifies". See Gabba 1955.

91 Cic. *Off.* 1.11; 2.27; 3.31. Cf. Liv. 5.27.

92 Liv. 4.19.3; 42.41.11. See, in general, Gandolfi 1954.

based on a pre-existing situation of harmony.[93] Moreover, this type of treaty draws attention to another issue that is unavoidable for the comprehension of Roman supranational relations. Given that this is the only *foedus* to explicitly mention the relationship of *societas* underpinning Rome's relations with the Italic peoples and to associate it with the establishment of *amicitia* that regulated Rome's overseas relationships,[94] this third category of treaty once again confirms the Roman capacity to 'personalise' an ancient Mediterranean practice that first emerged in the Hurrian-Hittite sphere. The Romans would interpret this ideal of brotherhood and love (*aḫḫūtum u ra' amūtu*[95]) lacking military or commercial benefits but based on fraternal solidarity[96] according to the principles of an instrumental alliance, ascribing to it a pronounced political connotation that would be capable of meeting the various demands arising during the various phases of expansion of Roman power.

Clearly, the instruments permitting the Roman rise to leading Mediterranean power did not all come from Rome's arsenal of war. In fact, Rome's political ascent is a superb example of a well-balanced combination of brutal strategies – that were never repudiated – and a shrewd, carefully considered use of diplomacy. While supremacy could only be attained by military means, it might be maintained by resorting to a more extensive range of resolutive measures, also by way of precaution.

It was only recently that the centuries-old debate between advocates of a "defensive"[97] or "offensive"[98] Roman imperialism recognised the role played by Rome's ability to establish a wide-reaching network of alliances in its 'international' ascent to power. According to Eckstein, this was inevitable in a context like the Mediterranean where the balance of power was so fluid as to be explained as a "multipolar anarchy".[99]

[93] Liv. 34.57.7-9. See Cursi 2014.

[94] In general, on the various interpretative lines connected to the *amicitia et societas* clause, see Cursi 2013, pp. 203-205. On the terminological switch between *formula amicorum*/*formula sociorum* see Valvo 2001.

[95] On the continuity between the Near East and the Greek world, also in terminological terms, see Weinfeld 1973; Tadmor 1990; Weinfeld 1990; Gazzano 2002.

[96] Westbrook 2000.

[97] Among others, see Frank 1914; Holleaux 1921.

[98] In particular, see De Sanctis 1923; Musti 1978.

[99] Eckstein 2006.

1.3. *Alternative dispute resolution methods in the classical world*

In recent decades in particular, such considerations have contributed to the wide diffusion of studies, mainly in the legal area, into methods related to *ADR-Alternative Dispute Resolution* and to the diachronic and synchronic socio-anthropological variations[100] among these 'alternative' procedures for the resolution of disputes in the civil sector.

While it is no easy task to find a univocal definition for the multifarious system of procedures[101] for the settlement of disputing parties, scholars have often acknowledged the debt owed to the Graeco-Roman experience of the diplomacy of compromise by these methods underpinning our modern legal system.

Although this phenomenon[102] is widespread throughout the world, confirmed by recent studies revealing the use of such systems both by the warlike tribes living between Namibia and Botswana as well as by the more pacific descendents of Confucius,[103] its success in the Western world[104] is usually attributed to the Greek experience – principally with regard to Solon one[105] – and traced back to the archetypal model of that fatal mythical choice made by Paris.[106]

As we have to some extent already shown, the arbitration procedure played a key role within the complex system of practices

[100] See Roberts 1979.

[101] These procedures range from negotiations to so-called neutral fact finding, from mediation to arbitration, etc. (see Gumbiner 2000).

[102] La China defines arbitration as a "human environment", in the sense of "place and mode of relations between those being judged and those judging" that should be considered as the result of a "substratum of practical and psychological behaviours" more than as a legal institution (La China 2011, *pref.*).

[103] Barrett, Barrett 2004, pp. 2-6. Even today, China and Confucian ethics are considered the geo-philosophical cradle of alternative dispute resolution methods. The cultural significance of this legal approach is confirmed by the fact that in early 2000s there were still around six million mediators – a higher ratio to the entire national population than that of attorneys-at-law in the United States (Jia 2002).

[104] The three great monotheist religions also played a key role in this regard (Barrett, Barrett 2004, pp. 9-14).

[105] See Panzarini 2002 and, more recently, Fernández de Buján 2014, pp. 41-52. Cf. Cuniberti 2011.

[106] Cf. the doubts raised by Paulsson (Paulsson 2013, pp. 7-13) concerning the inevitability of this ascendency.

involving a third party for the resolution of disputes. According to Eckstein[107] and Kaščeev,[108] this procedure was a "quasi-judicial" practice, which, unlike mere mediation, was endowed with some form of binding (although rather weak as we shall see) authority. Mediation, which is basically a practice intended to encourage and facilitate the conciliation of the disputing parties, is usually perceived as a more cooperative form of intermediation.

Arbitration experienced its golden age in classical Greece, with possible harbingers in the "social framework described in the works of Homer and Hesiod".[109] From at least the fifth century BC to the Hellenistic period, public arbitration was a completely codified institution both within Attic law[110] and in other cities.[111]

In this context public arbitration must have been a mandatory step before civil suits eventually reached the courts while private arbitration represented an alternative route that was not exactly institutional but nonetheless very ancient.[112]

According to Cozzo, this frequent recourse to informal, improvised arbitration (even in the case of everyday divergences[113]) confirms that this practice was almost a default mindset or *forma mentis* for Greeks considering the resolution of disputes. In fact, just a handful of philosophers were capable of systematically opposing this type of intermediation, doing so only in the name of the innate human ability to autonomously repress anger.[114]

In Athens, in the classical age, public and private intermediation based on the principle of fairness (no mere formal objective but rather a specific resolutive practice capable of removing the

[107] Eckstein 1988, p. 415.

[108] Kaščeev 1997.

[109] Cozzo 2014, p. 73.

[110] Harris 2018, p. 226: "the most important feature of the new system was that it incorporated the advantages of mediation and arbitration into formal private legal procedures without several of the disadvantages of private arbitration. In this way public *arbitratio* encouraged litigants to compromise instead of fighting it out in court".

[111] Gernet 1939.

[112] With specific reference to the Athenian case, which is the one for which we have most information, see Karabélias 1996.

[113] Cozzo 2014, p. 112.

[114] Iambl. *Vita Pyth.* 126.

motives for any dispute[115]) co-existed within the various cities. Nonetheless, from at least the seventh century BC onwards,[116] forms of intermediation had also been successfully adopted between different cities.[117] In such cases, mediation was mainly used to resolve disputes arising with regard to boundary lands described by Daverio Rocchi as the expression of "un fenomeno circoscritto nello spazio e circostanziato nelle motivazioni", which would not therefore have been capable of completely overturning the territorial sovereignty of the *poleis* involved and of unleashing a war of occupation ...[118] unless, of course, the powers involved in the dispute had such a disproportionate military capacity as to risk destabilising the delicate 'international' equilibrium:[119]

> Ἐνθυμώμεθα δὲ καὶ ὅτι εἰ μὲν ἡμῶν ἦσαν ἑκάστοις πρὸς ἀντιπάλους περὶ γῆς ὅρων αἱ διαφοραί, οἰστὸν ἂν ἦν· νῦν δὲ πρὸς ξύμπαντάς τε ἡμᾶς Ἀθηναῖοι ἱκανοὶ καὶ κατὰ πόλιν ἔτι δυνατώτεροι, ὥστε εἰ μὴ καὶ ἁθρόοι καὶ κατὰ ἔθνη καὶ ἕκαστον ἄστυ μιᾷ γνώμῃ ἀμυνούμεθα αὐτούς, δίχα γε ὄντας ἡμᾶς ἀπόνως χειρώσονται.

Regardless of whether they were motivated by a firm belief in the strength of their case or merely wished to prevent the dispute from dragging on, those opting for arbitration could choose between two types of procedure:

- the compromissory type, which was established on the basis of an agreement drawn up at the time of arbitration;
- the mandatory form already provided for under previous treaties between the conflicting parties, which was particularly widespread during the Peloponnesian War in a phase of clashes described as 'structural'.[120]

[115] Cozzo 2014, p. 72.

[116] Piccirilli 1973, pp. 7 ff.

[117] Collection of sources in: Tod 1913; Raeder 1912; Piccirilli 1973; Ager 1996; Magnetto 1997.

[118] Daverio Rocchi 1988, p. 227.

[119] Thuc. 1.122.2: "And let us reflect also that, if we individually were involved in a dispute about mere boundary-lines with an enemy who was no more than our equal, that might be borne; but as the case stands, the Athenians are quite a match for us all together, and still more powerful against us city by city. Hence, unless all of us together, every nation and town, with one accord resist them, they will easily overpower us because we shall be divided".

[120] Cozzo 2014, p. 363.

In any case, the third party chosen was generally an arbitrator considered to be impartial with regard to the matter of dispute but who often had ties to the disputing parties, either through relations to ethnic group or geographic vicinity.[121] The three factors capable of influencing the choice of the third party were not necessarily a guarantee that the arbitration sentence would be respected, which explains why military force soon became binding in the choice of arbitrator, who had to appear capable of standing as a guarantor of the enforceability and mandatory nature of the judgement, which, at a legal level, could only be guaranteed by a judge.[122]

The authority demanded of and granted to a third party in order to guarantee compliance with their ruling not only explains why Rome was so often called upon to resolve disputes between Greek cities in the second century BC but also why Rome generally refused to be subjected to this practice, opting, if necessary, for a solution that did not compromise its *maiestas*, something that Ager has defined as "(apologetic) deprecation".[123]

1.4. *Rome's assimilation and rejection of the Greek inter-*poleis *arbitration model*

To some extent, when Rome took over the role of arbitrator from the Hellenistic sovereigns in disputes between cities in the second century BC, it maintained the same "minimalistic"[124] approach, acting as a supervisor rather than as an active player within the arbitration procedure. Unlike its royal predecessors, however, the Republic was largely indifferent to the fates of the Greeks, given that its sole motivation was to legitimise itself as a hegemonic power. While the Hellenistic sovereigns shared cultural and social ties with the cities appointing them that were partially responsible for them being chosen to act as arbitrators in the first place, Rome exercised the role of third party merely by virtue of its recognition

[121] Magnetto 1997, p. X.
[122] Cozzo 2014, pp. 387-392.
[123] Ager 2009, pp. 31-32.
[124] Camia 2009, p. 193.

as a stable authority that was also superior to the other actors in the field in that corner of the Mediterranean.

Moreover, while territorial disputes between *poleis* – the preferred area of application of this dispute resolution method – occasionally acquired a certain relevance in the context of the local reshuffle that took place in the wake of Cynoscephalae and the Peace of Apamea, with only a few rare exceptions, they never acquired any strategic importance for Rome at 'international' level.[125]

Following the reorganisation of Asia Minor – according to the right of the victor – and a phase of rejection of all forms of arbitrational intermediation in favour of the role of the Senate and of the *decem legati* (resulting from the affirmation of Roman authority), once peace had been re-established and the area definitively subjugated, Rome began to systematically delegate all requests for arbitration, entrusting them – according to the Greek custom – to third parties acceptable to the disputing parties.

The cases recently studied by Camia reveal a number of tendencies that leave little room for doubt with regard to the approach adopted in intervention (or rather in non-intervention) by the Senate in this context:

– in most cases[126] and generally whenever it could not refer to a prior judgement, Rome delegated the task of pronouncing a verdict to a third party that was often identified with a city in western Asia Minor. In such cases the arbitrator assumed this task (*ex senatus consulto*) while the Senate (again through

[125] The "minimalist" approach maintained by Rome in these phases would evolve during the Mithridatic Wars, when the decisions made by the Republic with regard to the contested territories assumed the value of "recompense" for the Greek cities that enjoyed a privileged relationship with Rome (Camia 2009, p. 214).

[126] Sparta against Messene (around 140 BC; Camia 2009, pp. 32-43); Ambracia against the *koinon* of the Athamanians (around 140 BC; Camia 2009, pp. 44-50); Delphi against Phlygonion-Ambryssos (around 140 BC; Camia 2009, pp. 65-70); Magnesia on the Meander against Priene (around 140 BC; Camia 2009, pp. 71-85); Itanos against Hierapytna (two sentences issued in 140 BC and 112 BC, respectively; Camia 2009, pp. 106-132); Miletus against Priene (in this case the dispute concluded around 90 BC with a definitive deliberation made by the Senate; Camia 2009, pp. 138-147). Other cases attributable to this category but rather more complicated to interpret include: Priene against Miletus and Ephesus against Sardis (Camia 2009, pp. 148-149 and pp. 158-160).

the emanation of a *senatus consultum*) established the general terms within which the sentence was to be pronounced;
- when it intervened directly,[127] the Senate tended to uphold previously issued verdicts, basically limiting itself to confirming them;
- only on a handful of occasions[128] was judgement – initially at least – entrusted to the Roman legates already in the field or who had been sent there for this purpose. Each of the four cases generally linked to this eventuality falls within the scope of wider-reaching missions linked to motives of political expediency ...[129] and, regardless, in two or three of these four episodes, the judgement was ultimately expressed by other subjects.

Moreover, we should not forget that Rome only intervened in such disputes in response to a formal request made by the *poleis* involved. While such petitions would be submitted to the Republic in its capacity as "natural *arbiter*"[130] in Greek disputes in the

[127] Melitaea against Narthacium (around 140 BC; Camia 2009, pp. 51-64); Priene against Samos (in 135 BC; Camia 2009, pp. 86-96); Colophon against the bordering *poleis* (in the 120s BC; Camia 2009, pp. 97-105). Other cases attributable to this category but rather more complicated to interpret might include: Mylasa against Stratonikeia (probably after 188 BC; Camia 2009, pp. 19-21); Pteleion against Larisa Kremaste (Camia 2009, p. 150); Priene against an unidentified *polis* (Camia 2009, pp. 156-158); the Thracian sovereign Kotys and the *polis* of Abdera (Camia 2009, pp. 160-163).

[128] Latos against Olous (in 113 BC; the arbitration of the dispute was effectively carried out by five Roman legates led by Quintus Fabius Maximus Eburnus who merely upheld the previous Knossian decision; Camia 2009, pp. 133-137); Sparta against Megalopolis (in 163 BC; Callicrates, former strategos of the Achaean League was the arbitrator; Camia 2009, pp. 22-31); Itanos against Hierapytna (in 140 BC and 112 BC; Magnesia on the Meander was called upon to deliver the verdict; Camia 2009, pp. 106-132). Another case attributable to this category although rather more complicated to interpret concerns a dispute between Argos and an unidentified *polis* (Camia 2009, pp. 153-156). Although not strictly linked to inter-*poleis* conflicts, another interesting case regards the Delphic priests who were authorised to fix the boundaries of their sacred land by Manius Acilius Glabrio between 191 and 190 BC (Gruen 1984, p. 104 n. 38). However, in this case too, Rome's direct intervention appears to be justified by motives of wider-reaching foreign policy and specifically by the fact that this re-organisation took place immediately after Antiochus' withdrawal from Greece (*SIG*[3] 826E, ll. 37-38; 827C, ll. 5-6; 827D, ll. 6-7).

[129] Like the general re-organisation of eastern Crete (113-112 BC).

[130] See Veyne 1975; Clemente 1976.

second century BC for all the aforementioned reasons, as Gruen points out, this capacity was not so much a result of Roman self-representation as a prerogative attributed to Rome and conferred upon it by these self-same Greek communities.[131] This is confirmed by the fact that the Greek communities, still in this fateful second century BC, continued to turn to other intermediaries in order to settle their disputes. We might mention the celebrated case of the Aetolians who, around 173 BC, chose to submit their conciliation requests to Perseus – causing considerable alarm in the Republic[132] – or the less well-known case of Phalanna, in Perrhaebia, where a situation of *stasis* was to be resolved by an arbitrator from Gytron.[133]

The most significant case, however, concerns a border dispute between Rhodes and Stratonikeia[134] that can be dated to soon after 135 BC. On this occasion, the Rhodians initially submitted the dispute to Rome only to change their minds, turning for help to Bargylia, which had spontaneously offered to intervene and was apparently considered a more reliable arbitrator. In the event of an unsatisfactory final judgement or matter of some strategic interest to the Republic, Rome would not have hesitated to exercise her 'right' to act as 'natural' arbitrator – according to its own times and procedures.

Rome's 'indifference' or rather reluctance to act as arbitrator in disputes between *poleis* or in general to be directly involved in disputes for which it was hard to envisage a peaceful solution and that would, therefore, have placed the Senate in the unpleasant position of having to side with one of the disputing parties[135] clearly emerges from a fragment by Polybius. The passage in question concerns the real issues of 'international' interest to the Romans (that is, the objectives of Eumenes and

[131] With regard to the delicate process of submission (more or less internalised by those directly concerned) of the Greek world within the Roman imperialist dynamics, see Champion 2007; Desideri 2007.

[132] Liv. 42.12.7; App. *Mac.* 11.1; 11.7.

[133] *IG* IX 2, 1230. See Gray 2017, p. 68.

[134] Foucart 1904, pp. 326-335. See Ager 1996, pp. 457-459.

[135] On this type of behaviour by Rome when acting as "super-arbitral" guarantor (Camia 2009, pp. 198-199) in pacification processes during far less marginal occasions than territorial disputes in which its mediation was requested by the dispatch of legations, see Gruen 1984, pp. 111 ff.

Antiochus), leading to the dispatch of two legates in response to the worsening territorial crisis between Sparta and Megalopolis in 163 BC:[136]

> Οὐ μὴν τῆς γε κατὰ τὸν Εὐμένη καὶ κατὰ τὸν Ἀντίοχον ὑποψίας ἔληγεν ἡ σύγκλητος, ἀλλὰ Γάιον Σολπίκιον καὶ Μάνιον Σέργιον καταστήσασα πρεσβευτὰς ἐξαπέστελλεν, ἅμα μὲν ἐποπτεύσοντας τὰ κατὰ τοὺς Ἕλληνας, ἅμα δὲ τοῖς Μεγαλοπολίταις καὶ τοῖς Λακεδαιμονίοις διευκρινήσοντας περὶ τῆς ἀντιλεγομένης χώρας, μάλιστα δὲ πολυπραγμονήσοντας τὰ κατὰ τὸν Ἀντίοχον καὶ τὰ κατὰ τὸν Εὐμένη, μή τις ἐξ αὐτῶν παρασκευὴ γίνεται καὶ κοινοπραγία κατὰ Ῥωμαίων.

Rome, therefore, did not renounce its role as arbitrator but – finding itself in a unique position of political superiority without parallel in Mediterranean history until that point in time – adopted an innovative approach intended to respect the traditional nature of Greek arbitration and to use arbitration to maintain its power rather than to increase it. Several studies have interpreted the Roman approach to the *poleis* in a negative manner, criticising Rome for debasing the very principle of arbitrational authority.[137] Leaving aside the various possible interpretations, it is undeniable that in most cases involving this kind of territorial dispute Rome tended to limit itself to setting a temporal *terminus*; any events taking place after this time limit would not be taken into account when establishing the final outcome.[138] This technical constraint – established by the Senate and inspired by the *interdictum uti possidetis* in Roman civil law regarding private disputes on matters related to possession[139] – and the principle guaranteeing territo-

[136] Polyb. 31.1.6-8: "The Senate, however, did not cease to entertain suspicions of Eumenes and Antiochus, but appointed and dispatched Gaius Sulpicius and Manius Sergius as legates to observe the state of affaris in Greece, to decide the question of the territory in dispute between Megalopolis and Laecedaemon, but chiefly to inquire diligently into the proceedings of Antiochus and Eumenes in case they were making any preparations to attack Rome and acting in concert against her". On the case of the controversy between the two cities, see Camia 2004.

[137] Among others Matthaei 1908; Badian 1958, p. 90. *Contra* De Ruggiero 1893, p. 112 n. 1; Rostovzeff 1941 (I), p. 56. Cf., for the function of the arbitral institution in the Greek world, Marshall 1980, pp. 628-632.

[138] Camia 2009, p. 83.

[139] Camia 2009, p. 128. Cf. Partsch 1905; Kallet-Marx 1996, p. 172.

rial integrity to friends and allies of Rome are the cornerstones of Roman actions in Greek contexts. As explained by Gruen, this was not so much the result of a form of altruism or philhellenism than of the pragmatic disinclination of the Roman Senate to take responsibility – in the capacity of arbirtrator, mediator, or judge – for internal Greek affairs whenever the diplomatic commitments involved outweighed the desired political advantage.[140]

The role played by the Roman assembly in this context, which is inevitably emphasised by the very nature of the available documentation on this type of intervention (that is, the *senatus consulta* which, especially in controversial circumstances, could contain an extensive dossier of documentation compiled by magistrates[141]) falls completely within the remit of the acts of international diplomacy that were the specific responsibility of the Senate. Moreover, the decision of the *poleis* to publish such official pronouncements reveals the great symbolic value attributed to these documents compared, for example, to the missives sent by proconsuls[142] whose excessive protagonism in such forms of intermediation could easily be seen as a form of abuse with regard to cities that were friends and allies of Rome as well as of interference in "the powers of the Senate regarding international relations".[143]

It is clear therefore that, within the Greek arbitration practice, the success of the intermediation process required two conditions to be met:

– the more or less explicit recognition of the existence of a 'superior' authority capable of guaranteeing the enforceability of the verdict;
– the equal treatment accorded to the disputing parties even in the case of a major power imbalance between them.

Obviously, under such conditions, Rome might well agree to act as arbitrator – albeit in a position of guarantor rather than as a

[140] Gruen 1984, pp. 110 and 131.

[141] Buongiorno 2016, pp. 47-48.

[142] Their main role involved carrying out administrative duties and acting as intermediaries between the *poleis* and Rome. See Camia 2009, p. 193.

[143] Camia 2009, pp. 194. Cf. Kallet-Marx 1996, p. 165.

protagonist – but it would be rather reluctant to become involved in such a process as one of the litigants.[144] From an ideological and religious point of view, the wars embarked upon by the Republic were guaranteed by the practice of *ius fetiale* and by the principle of *bellum iustum*. They neither required nor provided for recourse to diplomatic compromise, at least in its more formalised configuration embodied by arbitration in the ancient world.

By placing itself above all other political entities[145] – morally speaking – and submitting exclusively to the judgement of the divine 'court', Rome was able to deploy an acceptable form of intermediation that would involve it with litigants without prejudicing its *maiestas*.

As mentioned above, this intermediation process is identified with a kind of "(apologetic) deprecation" that guaranteed a series of considerable advantages for the Quirites in a wholly informal manner:[146]

> it does not acknowledge the equality of the parties or their claims; it frequently and explicitly assumes the guilt of the non-Roman parties or their claims; it requires no compromise from Rome; and it easily allows Rome to retain her stance of having fought a just war.

Rome's inability to fully assimilate – and partly embody – the ideal of public neutrality as a political value[147] and its insistence upon explicitly placing itself in the position of a power that defended peoples and that was therefore to some extent 'partisan'[148] should

[144] For the nine cases between 212 BC and 188 BC in which Rome agreed to accept the diplomatic resolution of a conflict through the involvement of a third party, see Gruen 1984, pp. 117-119; Eckstein 1988, pp. 417-423. However, as pointed out by Ager, not all the examples cited by these authors can be included in the formal category of mediation nor do they all have the same degree of credibility; moreover, they do not all involve mediations leading to successful outcomes (Ager 2009, pp. 28-30; cf. Eckstein 2002; Eckstein 2008, pp. 91-116). With regard to at least seven episodes where Rome categorically refused to accept any suggestion or proposal of mediation or arbitration, see Ager 1996, no. 8; no. 27; no. 35; no. 57; no. 84; no. 93; no. 121.

[145] On the problems linked to this type of practice, where there is a clear power imbalance between the litigants involved, see Kleiboer 1996.

[146] Ager 2009, p. 33.

[147] Matthaei 1908, pp. 262-263.

[148] Cic. *Off.* 2.8.26.

not lead us to believe either that the concepts of diplomacy and justice were alien to the Republic or that relations between the *poleis* were always driven by sincerity and never by a cynical realism.

As we have sought to bring out, the pragmatic attitude adopted by Rome with regard to the application of Greek arbitral practice (and to diplomatic conciliation in general) can certainly be traced back to the following:

– the 'militant' inclination of a power better applied in a "peace of domination" than in maintaining arbitration courts in the canonical sense;[149]
– the general lack of success in developing an arbitration system on Italic soil even distantly comparable to the Greek system. De Ruggiero and Fraser blame this fact on the greater ethnological differences between Italic populations, on the topography of the peninsula, which hindered trade relations, and on the substantial absence in Italy of any unifying tendency like that enjoyed by the Greek amphictyonies.[150]

If we exclude the extreme ethnographic positions typical of early twentieth-century historiography, the initial premise remains unassailable and while a number of substantial differences with respect to the Greek model can be traced back to the anthropological context in which Roman power was formed, they are more likely to be rooted in a sacred context. The religious drive of its military initiatives and its unprecedented political position as undisputed authority in the Mediterranean basin meant that Rome felt less pressure to engage in this type of conciliation ... even though they were not unknown to the Republic.

1.5. *Private arbitration and archaic civil justice in Rome*

Dispute resolution through different forms of intermediation mainly concerned the private sphere where it was one of the most archaic forms of civil justice in the so-called elementary societies. The latter were the preferred field of application

[149] Fraser 1926, p. 189. On the rejection of a compromise in favour of pacification imposed by force, see Rosenstein 2007; Barton 2007.

[150] De Ruggiero 1893, pp. 55-58; Fraser 1926, p. 189.

of these mediation and conciliation 'actions' given that they were based on an "ethnological model" of society characterised by "shared objectives" and few internal divisions.[151] While we can certainly agree with this affirmation – and with the suggestion attributing the prevalence of the 'imposed' order over the 'negotiated' order to the greater complexity of the modern social and demographic reality – we should also recall, along with Rouland, that modern societies are far from monolithic and that they comprise "une multitude de groupes secondaires, qui forment un tissu sociologique très serré, même si le dessin de ses coutures se modifie".[152] The aforementioned "ethnological model" is therefore also expressed within these latter groups where we can find the same "community style" and the same "face-to-face" mechanisms considered exclusive to traditional elementary societies.[153]

At a distance of many centuries and latitudes, the key elements in all of these practices, and in arbitration in particular, have remained basically the same as those implemented in the Roman context:[154]

- the freedom of the judged party to submit to arbitration and the associated guarantee of a specific "space of self-determination" for the *civis*;[155]
- the idea that such alternative resolutions were less "costly" both in material terms[156] (the expenses involved in the procedure in addition to the possible losses following its conclusion) and in terms of time;

[151] Rouland 1991, p. 111.

[152] Rouland 1991, p. 112.

[153] Arbitration was already recognised as a rather 'sophisticated' form of dispute settlement by authors like Noailles 1948, pp. 164 ff.

[154] These intrinsic peculiarities subsequently evolved into "case law" (*Juristenrecht*). See Marrone 1996.

[155] Piergiovanni 1999, p. 9.

[156] This type of consideration must have been influenced by the fact that even in Byzantine times arbitral decisions tended not to be binding. Despite the two Justinian edicts of AD 529-530 and AD 539, there was still a tendency to consider arbitral rulings as non-binding (*C.J.* 2.55(56).4 and 5; *Nov.* 82.11). See Marrone 1996 and, more recently, Sitzia 2014. Cf. Frediani 2014, pp. 21-24.

– their supranational vocation based on a certain rejection – both practical and psychological – of the *iurisdictio*[157] considered as a "forma di esercizio della giustizia che si svolge sotto il diretto controllo del magistrato".[158]

These characteristics, all considered advantageous[159] with regard both to recourse to *legis actiones*, *cognitiones extra ordinem* and the formulary system,[160] clearly explain why the *ADR* methods were applied both in the private and public/international sphere of Roman law.

Let us now look specifically at the arbitration method: given that it was never considered a true alternative to the ordinary trial,[161] this form of private dispute resolution always played a marginal role within the Republican legal system.[162] It is undeni-

[157] This is generally considered to be the reason for the huge success of modern international commercial arbitration: in fact, it gives the parties involved the opportunity to meet each other in a truly neutral setting where national judges and legal systems cannot prevail.

[158] Dalla Massara 2012a, p. 117. For the associated distinction between *iudex* and *arbiter*, see Baty 1917; Gutiérrez García 1991. On the undeniable attribution of a decision-making function to the *arbiter*, see Broggini 2002; Dalla Massara 2012b. Cases in which arbitrators were called upon to determine/amend contractual elements rather than making decisions (for example, in *Dig.* 15.2.76) are described as cases of "arbitraggio" (Dalla Massara 2012a, p. 116 n. 4) or '(private) extra-judicial arbitration' (according to the definition of Buigues Oliver in Buigues Oliver 1990, p. 32).

[159] With some exceptions and in principle, arbitration proceedings were irrevocable, free, and not enforceable. They involved a simple debate and granted considerable freedom to the litigants (both with regard to the choice of arbitrator and as far as the terms of reference or *thema decidendum* was concerned).

[160] These advantages became apparent in the post-classical and Justinian periods when, with the abandonment of formulary proceedings, ordinary trials became far more rigid and expensive (Kaser 1966, pp. 410 ff.).

[161] The most recent studies have now abandoned the idea that the Roman *per legis actiones* trial was a linear, continuative transposition of voluntary arbitration. The two systems should be considered as developing in a "parallel and independent" manner (see Pelloso 2012, p. 88 nn. 52-53).

[162] As Marrone points out, "la giurisprudenza pur avendo [...] edificato l'istituto dell'arbitrato privato, mai si adoperò per il diretto riconoscimento, neppure in via di *exceptio*, della mera convenzione arbitrale" (Marrone 1996). The classical regime of arbitration-*compromissum* in a privatistic sense would undergo a gradual transformation from the fourth century AD onwards as the institution was slowly absorbed within the various levels and criteria of the ordinary courts (*C.Th.* 2.8.18; 11.7.13; 15.14.9; *C.J.* 2.55(56).4). See Talamanca 1958, p. 143 n. 229.

able, however, that for a long time it was the only feasible alternative for a series of disputes.[163] As long as the *legis actiones* system was in use and there was no legal protection for a series of relations not contemplated by the *ius civile vetus* or concerning disputes between foreigners or between foreigners and Romans,[164] arbitration became important enough for the praetor to include it in an edict (probably in the early first century BC).[165] It is also possible, moreover, that the initial diffusion of the *compromissum* was connected to the granting of citizenship to the *socii italici*, who – unrelated to the Roman legal tradition – would have been able to obtain a judgement based on a principle of general fairness rather than on a specific legal system.[166]

Arbitration is an *ADR* method distinguished by its voluntary, consensual, and private nature, and is an expression of groups linked by "friendly" or "social" relations primarily based on *fides*.[167]

This has induced various scholars to believe that the relative diffusion of arbitration in Roman society was linked to the existence of "social formations" within which mutually supportive individuals could identify themselves with greater conviction than with the state system, which they perceived as alien.

Such 'groups' were bound by different forms of relationship ranging from the domestic sphere to friendship or 'ethnicity' or supranational and 'international' ties. These categories concern a whole series of social connections based on concepts of *amicitia*[168] and *societas* that can obviously assume an inter-class, inter-national value,[169] touching upon a complex fabric of relations ranging from those based on blood ties to those involving aggregation on the basis of productive affinities (*collegia* and *sodalitates*), from those based on commonalities linked to ethnic origin or legal status (like

[163] Ziegler 1971, pp. 5 ff. Recourse to this practice in the context of boundary disputes is still documented, for example, in Suet. *Otho* 4.2 (cf. Tac. *Hist.* 1.24).

[164] Izzo 2013, pp. 24-29.

[165] *Dig.* 4.8.3.1. Although there is no direct evidence, it is not unlikely that the formulary trial was in fact based on the model of private arbitration.

[166] Ziegler 1971, p. 25; Marrone 1996.

[167] Charpentier 1996.

[168] On the legal value of this term in the Roman context, see Albanese 1963; Brutti 2011, pp. 509-512.

[169] Cursi 2013.

the aforementioned *socii*) to those organised on the basis of shared political interests (the so-called *clans*) and those with a spiritual commonality.

In fact, it is no coincidence that in the post-classical period, the diffusion of 'lay' arbitration was accompanied by the spreading practice of the *episcopalis audientia*, which authorised Christian members of society to call upon the spiritual leader of their community to act as their arbitrator.[170]

The fact that this system was intended to promote relations capable of cutting across the usual limits established by *iurisdictio* emphasises the importance acquired by the political and cultural element in this type of practice,[171] a true variable underpinning all mediation procedures. This becomes even more evident in the Roman context where arbitration was no longer limited – as it was in Greece – to ensuring the observance of given rights contested by one of the disputing parties but, while continuing to give due consideration to the principles (justice and fairness) guiding this type of settlement process, focused on the political aspect ... resulting in a complete metamorphosis of this legal practice.[172]

1.6. *Public arbitration and its 'international' vocation*

If we think about the relations that underpinned the arbitration practice (and its consequent advantages) we can easily imagine why this procedure was also applied at public level. Although the form of arbitration establishing itself in this particular sector of Roman law is generally believed to have been inspired by a Greek model, establishing just how dependent the Roman practice was upon the Greek system of arbitration between *poleis* is no simple matter.

This is for a series of reasons, first and foremost the lack of information available to us with regard to the fortunes of public arbi-

[170] For a comparison with the case of the Jews, cf. *C.Th.* 2.1.10 an edict of Arcadius and Honorius allowing Jews to submit their disputes to their patriarch while respecting Roman arbitration practice. In general, see Rinolfi 2010.

[171] Kidane 2017; Paulsson 2010.

[172] See Lemosse 1966, p. 348.

tration in the Roman West throughout the Republican period[173] as well as the virtual absence of evidence with regard to the Italic peninsula before the third-second century BC (and therefore the period of the first intense contacts with the Greek diplomatic system) and, from the imperial age at least, the strong influence that the private process had upon the management of territorial conflicts in the context of the *extra ordinem* procedure.[174]

Given the substantial analogies between the legal practice diffused in the eastern context and the practice present in the western territory of the empire, we might consider this dialectical relationship in the light of a "reciprocal adaptation".[175]

While recognising the existence of this type of dynamic, probably confirmed by the emergence – also in documents regarding the Roman West – of salient aspects from Stoic ethics like the aforementioned principle of *aequitas*,[176] we must bear in mind that the Roman world would have been familiar with international mediation practices, which were already known before Rome came into contact with the practice consolidated in the Hellenistic world.

Although the first known cases – attributed to the actions of Numa Pompilius, Lars Porsenna as well as Servius Tullius – may be enveloped in a mythical aura and conditioned by the cultural background of Dionysius of Halicarnassus (the source of all the cited episodes connected to the origins of Rome),[177] the existence of the *recuperatores* cannot be disregarded. Appeals made to these judges, probably dating to a very early stage of development of Roman legal practice,[178] were foreseen by a treaty (*lex*) between Rome and external communities for the purpose of the pronouncement of an arbitral decision concerning compensation and claims, whether private or not.[179] Although the compe-

[173] On the existence of a diplomatic 'system' attributable to the Roman West, see García Riaza 2015, p. 24.

[174] Burton 2000.

[175] Compatangelo-Soussignan 2011, p. 62.

[176] Sacchi 2005, pp. 351 ff.

[177] Gruen 1984, pp. 99-101.

[178] Matthaei 1908, p. 242.

[179] Fest. p. 342 L. Gagliardi 2012, p. 373. In general, see Gagliardi 2007.

tence of this judging body[180] passed to the sector of domestic law in the classical age, given that it only concerned disputes between *cives*,[181] there is no doubt that its origins lie in the context of 'international' relations between Rome and other *civitates* and/or *nationes* involved in some form of diplomatic dialogue with Rome.

Apart from this attestation and an anachronistic episode linked to a territorial dispute between Aricia and Ardea[182] in 446 BC testifying to the strong influence of the Greek experience[183] rather than to Rome's precocious adoption of the arbitration procedure, the first true Roman contact with the concept of mediation between disputing parties on an 'international' level is generally dated to 320 BC and the Tarentine offer to broker a treaty between Rome and the Samnites:[184]

> *Samnites ex parte altera, cum omnem curam belli remisissent, quia aut pacem vere cupiebant aut expediebat simulare ut Tarentinos sibi conciliarent, cum instructos repente ad pugnam Romanos conspexissent, vociferari se in auctoritate Tarentinorum manere nec descendere in aciem nec extra vallum arma ferre; deceptos potius quodcumque casus ferat passuros quam ut sprevisse pacis auctores Tarentinos videantur. Accipere se omen*

[180] Also because of the greater brevity of the procedures over which they presided.

[181] Gagliardi 2012, p. 349 e pp. 374-379.

[182] Gabba 1966, pp. 138-139; Noè 1979.

[183] Liv. 3.71-72; Dion. Hal. *Ant. Rom.* 11.52. See Compatangelo-Soussignan 2011, pp. 49-51 (p. 50 n. 22): with particular reference to the attention paid by authors to the ethics of the judges (*turpe iudicium*) and to recourse to the *concilium populi* of Rome whose competences did not include cases of international arbitration but whose presence recalled the crowded Greek arbitration courts.

[184] Liv. 9.14.6-8: "The Samnites, on their side, having dismissed from their minds every anxiety regarding the war, either because they sincerely wished for peace, or because it was expedient for them to pretend that they wished it, in order to gain the support of the Tarentines, when they beheld the Romans suddenly arrayed for battle, cried out that they would abide by the will of the Tarentines and would neither take the field nor advance beyond the rampart; they had been deceived, but they chose rather to endure whatever Fortune might have in store for them than be thought to have spurned the peaceful advice of the Tarentines. The consuls declared that they embraced the omen, praying that the enemy might be so minded as not even to defend his rampart". For other cases of similar proposals made to Rome: Plut. *Pyrrh*. 16.3-4; App. *Sic.* 1 (during the First Punic War). See Ager 1996, pp. 52-54.

> *consules aiunt et eam precari mentem hostibus ut ne vallum quidem defendant*.

The failure of this first attempt, which would not have a follow-up either in the context of the Illyrian wars or in the First Macedonian War,[185] anticipated a long series of misunderstandings regarding the arbitration procedure reported in the context of the second stage of the war with Philip V.[186]

While the arbitration cases present in the literary sources before the second century BC reveal a marked Roman preference for a 'muscular' resolution of international disputes,[187] as mentioned, the Roman Senate's attitude to the arbitration procedure would undergo a major change from this period onwards[188] and, in particular, after the treaty drawn up in Apamea where – following the conclusion of the conflict and subjection stages that allowed no form of intermediation to be envisaged as far as the Romans were concerned – the Republic admitted a clause typical of treaties in the Greek tradition that allowed for recourse to this type of solution in the event of new disputes between Antiochus III and rival cities:[189]

> *Si qui sociorum populi Romani ultro bellum inferent Antiocho, vim vi arcendi ius esto, dum ne quam urbem aut belli iure teneat aut in amicitiam accipiat. Controversias inter se iure ac iudicio disceptanto, aut, si utrisque place bit, bello*.

This case once again reveals the ambivalent behaviour of Rome, which, on the one hand, seems open to the possibility of using a diplomatic instrument to settle an 'international' dispute, and, on the other, continues to attribute to war the role of "coercitive

[185] Gruen 1984, pp. 102-103.

[186] Liv. 32.10.3-6. The Romans behaved in a similar way to Antiochus III in 196 BC (Polyb. 18.52.3-5; Liv. 33.39-40) and to the Aetolian League in 192 BC (Liv. 35.33.5; 35.33.8).

[187] Matthaei 1908.

[188] Deutschmann 2012.

[189] Liv. 38.38.16-17: "If any of the allies of the Roman people shall without provocation make war upon Antiochus, he shall have the right to oppose force with force, provided that he shall neither hold any city under the law of war nor receive any into friendship. They shall settle disputes between them by law and legal formula, or, if both states shall desire, by war". Cf. Polyb. 21.42-43.

legal instrument" – at least as a last resort – in resolving this type of conflict.[190]

It seems that the type of dispute where Rome advocated the use of a peaceful mediated solution mainly regarded property although the Republic continued to avoid direct involvement in such procedures:[191]

> Ὅτι κατὰ τὴν Ἀπάμειαν οἵ τε δέκα καὶ Γνάιος ὁ στρατηγὸς τῶν Ῥωμαίων, διακούσαντες πάντων τῶν ἀπηντηκότων, τοῖς μὲν περὶ χώρας ἢ χρημάτων ἤ τινος ἑτέρου διαφερομένοις πόλεις ἀπέδωκαν ὁμολογουμένας ἀμφοτέροις, ἐν αἷς διακριθήσονται περὶ τῶν ἀμφισβητουμένων.

After the Roman rise to power, the Greek *poleis* began to turn increasingly to Rome to resolve such disputes. It does not seem coincidental, therefore, that the first appeal for arbitration to be submitted to the Roman Senate by Greek cities (probably made by Mylasa and Stratonikeia immediately after 188 BC) probably dates to the same period as the earliest dispatch of an arbitrator from Rome to settle a boundary dispute that had flared up between two cities in the Greek Campania: Nola and Neapolis.

As in the case of Aricia and Ardea, scholars have often described this as a case of "false arbitration".[192] Leaving aside the doubts about the veracity of this episode expressed by Cicero,[193] the recurrence of various ethical issues closely resembling the themes emerging from the sources with regard to the case in 446 BC suggests that this was an anecdotal occurrence.[194]

Whether or not we accept that an arbitration was entrusted to Quintus Fabius Labeo,[195] it is worth underlining that, within the

[190] Domingo Oslé 2010, p. 110.

[191] Polyb. 21.45.1: "In Apamea the ten legates and Manlius the proconsul, after listening to all the applicants, assigned, in cases where the dispute was about land, money, or other property, cities agreed upon by both parties in which to settle their differences". The reference is omitted by Livy (Liv. 38.39.5-17).

[192] Compatangelo-Soussignan 2011, p. 49.

[193] Cic. *Off.* 1.10.33. Cf. Val. Max. 7.3.4.

[194] Matthaei 1908, pp. 247-248.

[195] Labeo's role as arbitrator in the Campanian dispute may have been justified by his biography. According to Livy, infact, Labeo was involved in establishing Macedonian boundaries at the time of the Roman-Syrian War. Liv. 39.27.10: "And as to the boundary rights, they had little new to say: only that Quintus Fabius

Roman philosophical and historiographic discourse, the concept of arbitration clearly acquired a higher moral value linked to the difficult coexistence of public *utilitas*[196] and philosophical *aequitas*. This debate influenced by Stoicism became particularly lively towards the end of the second century BC and was in part resolved by Cicero drawing inspiration from Panaetius:[197]

> *Haec ad iudicandum sunt facillima. Nam si quid ab homine ad nullam partem utili utilitatis tuae causa detraxeris, inhumane feceris contraque naturae legem, sin autem is tu sis, qui multam utilitatem rei publicae atque hominum societati, si in vita remaneas, adferre possis si quid ob eam causam alteri detraxeris, non sit reprehendendum. Sin autem id non sit eiusmodi, suum cuique incommodum ferendum est potius quam de alterius commodis detrahendum. Non igitur magis est contra naturam morbus aut egestas aut quid eiusmodi quam detractio atque appetitio alieni, sed communis utilitatis derelictio contra naturam est; est enim iniusta.*

Cicero's interpretation is particularly suited to explaining the evolution of Roman thought from the Greek ideal on which it depended with regard to the question of arbitration and its essential neutrality. Cicero's writing clearly outlines the pragmatic concept of *utilitas* – which is never separated from that of *aequitas*[198] – whose application to the field of *iustitia* confers upon law

Labeo, when he had been in that region, had fixed as the boundary for Philip the ancient royal road which leads to Paroreia in Thrace, nowhere approaching the sea: Philip had later laid out a new road which encompassed the cities and lands of the Maroneans".

[196] János 2014.

[197] Cic. *Off.* 3.30: "These cases are very easy to decide. For if merely for one's own benefit one were to take something away from a man, though he were a perfectly worthless fellow, it would be an act of meanness and contrary to nature's law. But suppose one would be able, by remaining alive, to render signal service to the state and to human society – if from that motive one should take something from another, it would not be a matter for censure. But if such is not the case, each one must bear his own burden of distress rather than rob a neighbour of his rights. We are not to say, therefore, that sickness or want or any evil of that sort is more repugnant to nature than to covet and to appropriate what is one's neighbour's; but we do maintain that disregard of the common interests is repugnant to nature; for it is unjust". See Gabba 1979.

[198] Cic. *Fin.* 3.71; *Off.* 3.119.

"quella funzione pratica che ne giustifica l'essenza".[199] The above passage significantly refers to a case in which removing a good from an individual might damage to another, underlining how such an action can only be considered contrary to nature's law if it merely benefits a single person whereas no blame would be attributed if this action was carried out for the *utilitas rei publicae*.

The inevitable consequence of this can only be the recognition of *ius civile* as the result of a balance between *aequitas* and *utilitas*.[200] In fact, resolutions like those applied by Rome to the boundary dispute between Carthage and Massinissa can be explained precisely by the role attributed to *communis utilitas*[201] in the Roman conception of *iustitia*.

This episode – believed to be the oldest case of Roman arbitration in the West (193-151 BC)[202] – is a perfect example of the arbitral instrument being used for primarily political rather than legal purposes with the aim of safeguarding the decisions imposed by the hegemonic power that risked being compromised.[203] As Lemosse has pointed out, the systematic partiality apparently characterising Rome's actions in this context is legitimised – although not necessarily excused – precisely by the highly charged idea of the constant search for *utilitas*:[204]

> Ἀμφοτέρων δὲ ποιουμένων τὴν ἀναφορὰν ἐπὶ τὴν σύγκλητον ὑπὲρ τῶν ἀμφισβητουμένων, καὶ πρεσβευτῶν πολλάκις ἐληλυθότων διὰ ταῦτα παρ᾽ ἑκατέρων, αἰεὶ συνέβαινε τοὺς Καρχηδονίους ἐλαττοῦσθαι παρὰ τοῖς Ῥωμαίοις, οὐ τοῖς δικαίοις, ἀλλὰ τῷ πεπεῖσθαι τοὺς κρίνοντας συμφέρειν σφίσι τὴν τοιαύτην γνώμην [...]

[199] Mastino 2013, p. 5.

[200] Cic. *Top.* 9.

[201] On the value to be assigned to this syntagm, see Scevola 2012, pp. 350-362.

[202] Liv. 34.62.1-17; 40.17.1-6; 42.23-24; *Per.* 48; App. *Lyb.* 10.67-69.

[203] Lemosse 1966. Cf. Scuderi 1991a, pp. 409-414.

[204] Polyb. 31.21.5-6: "Both parties appealed to the Senate about their differences, and numerous embassies had come from both on the subject, but the Carthaginians always came off second best at Rome, not because they had not right on their side, but because the judges were convinced that it was in their own interest to decide against them". For other similar judgements concerning Roman actions reported by Polybius: Polyb. 31.10.6-7; 31.11.11. On the terminology used by the historian, see Compatangelo-Soussignan 2011, pp. 54-55.

From the Roman perspective, this type of behaviour, which was condemned by the Greek historian Polybius, was merely the political application of a legal instrument whose impartiality was generally respected without hindering actions that considered the opportunity linked to every single case.

This peculiar aspect of the Roman practice also seems to emerge from the tripartite division of Rome's 'international' relationships proposed by De Ruggiero in the late nineteenth century. He perceptively suggested distinguishing the arbitral function exercised by Rome according to the legal status of the disputing parties with respect to the Republic,[205] pointing out that it exercised different forms of *auctoritas* with regard to different litigants:

– the *auctoritas* connected to its status as a political entity: in the case of populations maintaining their sovereignty de jure but were de facto dependent upon Rome (which established a federal relation with them) and populations whose territory lay within Roman territory, albeit for different reasons, and had an administrative type relationship with Rome;
– the *auctoritas* of hegemonic power with regard to those peoples situated outside the political and territorial boundaries of the Roman state and with whom Rome would establish a fully 'international' relationship.

V. C.

[205] De Ruggiero 1893, p. 36.

2.
URBAN AREAS AND TERRITORIAL DISPUTES ACROSS THE ITALIC PENINSULA

Il paesaggio è nozione spessa che indica un'area riconosciuta come omogenea per l'interazione di fattori naturali e umani, ma non corrisponde necessariamente a uno specifico spazio geografico, amministrativo o d'intervento; piuttosto, un modo di vedere, e di vedersi. (Cremaschi 2015)

2.1. *Roman intervention in Italy: similarities and differences with the approach used in the Greek world*

As mentioned, the dossier on second-century BC territorial disputes in the Italic peninsula involving Rome as arbitrator is rather scanty when compared to evidence for similar controversies in Greece and Asia Minor during the same period. However, we find a similar lack of information in the wider context of diplomatic exchanges between Rome and its Italic allies. According to Bonnefond-Coudry, while an endless stream of embassies reached Rome from the East of the empire,[206] only eight Italic delegations were sent to the Senate to request intervention (from 202 BC to 91 BC).[207] Although the former figure – including only episodes in which the presence of a foreign embassy in Rome is mentioned explicitly – may perhaps need to be increased,[208] it certainly gives an idea of the orders of magnitude of the phenomenon overall.

In the specific case of boundary issues involving Rome and *civitates* and/or peoples in the peninsular area, the scarcity of evidence (a maximum of six episodes even if we include two rather

[206] Canali De Rossi 1997 which lists 780 "diplomatic events" concerning embassies sent from the Greek world and received by the Roman Senate throughout the Republican period as well as a further 80 for the period between 200 BC and 167 BC alone; Canali De Rossi 2009 (with updated bibliography). Cf. Buono-Core 2015.

[207] Bonnefond-Coudry 1989, pp. 296-303. Cf. Canali De Rossi 2000.

[208] Linderski 1995, p. 454 n. 5.

dubious disputes between Aricia and Ardea and between Nola and Neapolis) might be due to material, historiographic, or even political considerations such as:

– the epigraphic supports bearing texts describing Rome's intervention in similar disputes. In the West, unlike in the Greek East, news of the resolution of a dispute was often inscribed on *cippi* or boundary stones, which were obviously far more subject to wear and tear than other types of support;
– the tendency of historians to focus more on episodes with a greater 'international' impact during a period involving major conflicts in the eastern part of the empire;
– the fact that Rome did not really invest in its diplomatic relations with its Italic allies (compared to the approach attested between the second and first century BC with the Rhodians, Stratonikeia and Aphrodisias, for example[209]).

On the other hand, Rome's attitude to the Italic populations, defined by Jehne as an example of "undiplomatic diplomacy",[210] reveals a similar indifference to that distinguishing its relations with the Hellenistic world in similar cases. Nonetheless, while Italic communities may not have encountered open hostility in Rome – in fact, they enjoyed legal protection from the abuses and excesses of Roman magistrates – they did not seem to make frequent recourse to the instrument of diplomacy (in general) or of arbitration (in particular), preferring to act through a process of "lobbying" that involved exercising 'informal' pressure on public decision-makers with the aim of influencing the decision-making process.[211]

This preference was probably due to a variety of motives:

[209] Ferrary 1988, pp. 139-140. In 100 BC, 81 BC, and 39 BC, respectively, the ambassadors from these communities were granted the right to be received first by the Senate, *extra ordinem*. For the case of the Rhodians: see Crawford 1996, no. 12 (in part. p. 254), Delphi B ll. 17-19; for Stratonikeia: see *RDGE* no. 18, ll. 65-66; for Aphrodisias: see Reynolds 1982, doc. 8, ll. 78-82 and doc. 9, ll. 11-15.

[210] Jehne 2009, p. 169.

[211] This is revealed by the relative absence of embassies even with regard to events whose impact upon the fates of Italic communities was far greater than that of boundary disputes. Examples of these are the enactment of the agrarian law of Tiberius Sempronius Gracchus or the proposals for land distribution put forward by Livius Drusus (Jehne 2009, p. 167).

– in a general sense, to the difficulties encountered by these communities in bringing matters of Italic interest to the attention of the Roman Senate. This was also due to the scarse personal involvement of Roman senators in such issues to the extent that often the success of such embassies rested on the capacity of a *patronus* to protect the interests of his clients;[212]
– in a more specific sense, to the very nature of the arbitral process, which meant that a defeat was not necessarily a disaster from a legal point of view and would not have caused concern among the *patroni*, causing them to intervene.

However, on the few occasions leading to Roman involvement in boundary disputes in the peninsula, it tended to intervene directly rather than delegating the decision to a community or third party as it tended to do in similar controversies in the Greek sphere.

2.2. *The concept of boundary in the Roman world: juridical-religious and fiscal value*

As Laffi has noted, during this phase, control of Italy could be maintained by a complex series of interventions involving recourse to an extremely variegated arsenal of solutions: from the direct to the indirect approach, from the automatic to the solicited response.[213] In the same period, Polybius clarified the Senate's responsibilities towards private citizens and cities in Italy, explaining that it would intervene whenever they claimed damages or required succour or protection.[214]

This carefully-considered intervention was determined above all by the model of *societas* defining Rome's relations with the peoples residing in Italy. In peninsular Italy, unlike in extra-Italic territories, the Roman alliance was rooted primarily in a tendentially perpetual military-based relationship established for defensive and/or offensive reasons.[215]

[212] Eilers 2002, pp. 90-91.
[213] Laffi 2001a, p. 34.
[214] Polyb. 6.13.5.
[215] Cursi 2013, pp. 197-199.

Rome's main concern, especially in this area of its dominions, was to safeguard "demographic size", thus not only guaranteeing the stability of allied states but also the continuity of their contribution to the war effort. Although of questionable effectiveness,[216] the measures taken by Rome at the request of the communities concerned in order to reimpatriate Latins and citizens from the allied states who had moved to Rome[217] and to increase the number of colonists in several Latin colonies[218] (two of which situated in the Cisalpine area[219]) must be seen in this light.

The *socii* were also well aware of the risks associated with a drastic drop in population, even placing this issue at the heart of the complaints brought to Rome by an embassy in 177 BC:[220]

> *Moverunt senatum et legationes socium nominis Latini, quae et censores et priores consules fatigaverant, tandem in senatum introductae. Summa querellarum erat, cives suos Romae censos plerosque Romam commigrasse; quod si permittatur, perpaucis lustris futurum, ut deserta oppida, deserti agri nullum militem dare possint. Fregellas quoque milia quattuor familiarum transisse ab se Samnites Paelignique querebantur, neque eo minus aut hos aut illos in dilectu militum dare*.

In view of these initial considerations, we can clearly imagine the significance assumed by the few certain cases of boundary disputes in the Italic territory that saw Rome's involvement in the capacity of *arbiter*. Such disputes not only represented an area of wider 'international' interest to Rome than might appear at first glance

[216] Liv. 42.10.1-5. On the lingering problems associated with the *adoptio civitatis mutandae causa*, see Longchamps de Bérier 2013, pp. 73-98. With regard to the political implications of the application of the *formula togatorum*, see Broadhead 2008; Erdkamp 2008.

[217] In 187 BC: Liv. 39.3.4-6; in 177 BC: Liv. 41.8.6-12 and 41.9.9-12.

[218] In 199 BC: Liv. 32.2.6; in 197 BC: Liv. 33.24.8-9.

[219] Piacenza and Cremona in 190 BC (Liv. 37.46.9-11).

[220] Liv. 41.8.6-7: "The Senate was also moved by embassies from the allies of the Latin name, who had wearied both the censors and the previous consuls, and had finally been brought in to the Senate. The point of their complaints was that a great number of their citizens had migrated to Rome and had been registered at Rome; and that, if this trend were allowed to continue, within a few *lustra*, their deserted towns and deserted territories would not be able to produce a single soldier. Samnites and Paelignians were also complaining that 4000 families from their territory had gone over to Fregellae, and that neither of them as a result of this emigration furnished any fewer soldier in the levy".

from the texts but also a resolutive reference within domestic policy given the sensitive nature of the task of maintaining clear property boundaries both in the juridical-religious and fiscal spheres.[221]

The political resonance of the issue of boundaries within the Roman sphere emerges clearly from the cultural development of the science of geography, which had its cradle in Greece. Descriptive geography, which was developed for primarily practical ends, was so deeply rooted in the mentality of Rome – which used it both as a tool and theoretical justification of its 'global' dominion[222] – as to become proverbial:[223]

> *Maiores itaque orbem in partibus, partes in provinciis, provincias in regionibus, regiones in locis, loca in territoriis, territoria in agris, agros in centuriis, centurias in iugeribus, iugera in climatibus, deinde climata in actus, perticas, passus, gradus, cubitos, pedes, palmos, uncias et digitos dividerunt; tanta enim fuit illorum sollertia.*

In Roman culture, more than in Greek culture,[224] the concept of the irremovability of a boundary had a strong ritual valence that gave *termini* and *terminatio* a fully synchronic and diachronic consistency notably expressed by the *restituit-restituerunt* formula inscribed on the boundary stones restored after a dispute.[225] The meaning attributed to the physical, fixed *terminus* that is irremovable from its original position[226] appears like the ideal justification

[221] On the complexity of connecting legal concepts, historic data and local metrology – already apparent in the texts on gromatic techniques – see Tarpin 2014. Cf. Capogrossi Colognesi 2002.

[222] Kolb 2016a; with particular attention to the Republican processes of *limitatio* and *centuriatio* as points of departure for the territorial control developed during the Empire, see Kolb 2016b.

[223] Isid. *Etym.* 15.15.1: "Thus our ancestors divided the earth into parts, parts into provinces, provinces into regions, regions into locales, locales into territories, territories into fields, fields into hundred-measures, hundred-measures into jugers, jugers into lots sixty feet square, and then these lots into furrow-measures, Roman rods, paces, steps, cubits, feet, palms, inches, and fingers. So great was their ingenuity" [English translation: S. A. Barney, W. J. Lewis, J. A. Beach, O. Berghof (eds), *The Etymologies of Isidore of Seville*, Cambridge 2006]. On the 'geographic precision' of the Romans (often denied) and its implications for road planning, see Davies 1998.

[224] Rousset 1994, pp. 110 ff. Rykwert refers to Rome's virtual "obsession" with spatial delimitation (Rykwert 1976, pp. 38-67).

[225] Scuderi 1991b.

[226] Of particular relevance here is the reference to the body of documentation originating from the Italic pensinsula relative to the boundary markers for both

of the greatest innovation introduced to the Greek inter-*poleis* arbitral model by the Roman practice: the identification of a temporal *terminus* as a resolutive element identifying the successful petitioner in a boundary dispute which, generally, suggested the confirmation of authoritative demarcations existing prior to the start of the controversy.

Evidence from the Hellenistic world suggests that, in the second century BC, whenever Rome pronounced a resolutive formula (*gnome*), the aim was essentially to establish which of the disputing parties possessed the territory at the time of entering into a relationship of *amicitia* with Rome,[227] thereby maintaining civic harmony by upholding previously issued judgements.[228] Reference to a specific historic moment imposed by the Senate as "a decisive moment for the establishment of a right"[229] not only allowed Rome to act effectively but also in line with the tradition of the *agrimensores* by 'restoring', also in a symbolical sense, a pre-existing situation with the aim of guaranteeing the stability of the area.

Not surprisingly, this type of approach, which was highly pragmatic but possibly not fully understood by the Greek world, was

properties that were publicly owned (*TLE*² 632 = *CIE* 439, second century BC) or privately owned (*TLE*² 570 = *CIE* 4538; *TLE*² 692 = *CII suppl.* I 254, both of which attributable to the third-second century BC), collected in Comella 2005. See also Gregori 2019.

[227] On the interesting evidence (*SIG*³ 679) transmitted with regard to the dispute between Magnesia on the Meander and Priene (around 140 BC) see Camia 2009, p. 83: "Scegliere come *terminus* l'ingresso nell'*amicitia* con Roma significava garantire che la città che possedeva legalmente la terra quando era diventata 'amica' di Roma non perdesse questo diritto; si tratta di una manifestazione del principio secondo cui gli 'amici e alleati' di Roma godono della sua protezione in fatto di integrità territoriale. Se questa formula venisse impiegata in un caso riguardante uno stato che non era 'amico e alleato' di Roma, allora si potrebbe accusare il Senato di 'partigianeria' e imparzialità; ma, di regola, coloro che si rivolgevano a Roma erano 'amici e alleati' di Roma, e, nella fattispecie, sia Priene che Magnesia lo erano".

[228] A significant reference relative to the clash between Sparta and Megalopolis (163 BC) can be found in *IvO* 47, ll. 38-41.

[229] Magnetto 2015, p. 83. Although it dates to the Imperial period, it may be useful to consider the case brought forward by this author (Magnetto 2015, p. 84) as evidence of the difficulties experienced by the Greeks in applying a similar 'formula' to their by now consolidated arbitral system. According to Tacitus, when the Lacedaemonians and Messenians appeared before Tiberius and the Senate to settle a dispute, they traced their claims back to the mythical division of the Peloponnese between the descendents of Hercules.

open to misinterpretation, causing Rome to be considered more decisionist and interventionist than it actually was.

2.3. *Pisae vs Luna (168 BC)*

The dispute between *civitas foederata* (Pisae) and colony (Luna) was for example directly linked to the activities of the triumvirs in charge of the deduction of the latter[230] in order to control the Ligures more effectively. It is likely that at the time of this event (177 BC), Luni was not only the acknowledged owner of lands taken from the Apuani but also of at least part of the *ager* offered by Pisa three years earlier for the foundation – which never came about – of a Latin colony.[231] Although the outcome of the dispute is not known, thanks to Livy[232] we know that it arose with regard to an area that the federated community held to have been unlawfully taken from it while the colony claimed its possession on the basis of the land allocations made by the triumvirs a decade earlier.

As noted by Scuderi,[233] the dispute probably involved overlapping issues, confirmed by the fact that a certain Quintus Fabius Buteo[234] was both the foremost member of the original commission of triumvirs as well as of the group of five envoys entrusted by the Senate with establishing the boundaries after this case had been brought before it.

For Rome, maintaining control of Pisa and the port of Luni – the latter probably already from 195 BC onwards – played a key role in safeguarding its route to Corsica and Sardinia, as part of its anti-Carthaginian strategy, but would also have had a beneficial impact on the ongoing conflict with the warlike populations of Ligures that represented a serious threat to the stability of the area. This is clearly shown by the fact that:

– Rome actually lost control of the Via Aurelia Nova[235] in this first years of the second century BC and did not regain it until 185 BC;

[230] Liv. 41.13.4-5. Angeli Bertinelli 2011.
[231] Liv. 40.43.1.
[232] Liv. 45.13.10-11.
[233] Scuderi 1991a, p. 375.
[234] Liv. 40.43.1; 45.13.11.
[235] Coarelli 1985-1987, pp. 23-26.

– 180 BC saw both the celebrated deportation of the Ligures *in Samnium* as well as Pisa's generous offer of a part of its territory – frequently ravaged by incursions made by tribes from northern Italy[236] – for the foundation of a colony;
– a number of Roman *denarii* (and some *quinarii*) issued prior to the mid-second century BC featured the goddess Luna in a biga,[237] a sign both of the resonance of the clashes with the Ligures as well as of the importance attributed to Luni on the stage of political and military operations undertaken against this population.

2.4. *Ateste vs Patavium (141 BC) and Ateste vs Vicetia (135 BC)*

Roman intervention on behalf of these three communities was remarkable in that it attests Rome's direct interest – in determined contexts – even in areas lying outside what were considered the political boundaries of Roman Italy at the time of these events. This is almost certainly due to the fact that already by the time of the Second Punic War, the geographic perception of Italy extended as far as the Alps[238] (even though the Cisalpine area had yet to be reduced to provincial status, in the administrative sense of the term[239]). However, this does not lessen the significance of Rome's decision to intervene directly in this type of territory. In fact, Rome's decision to entrust the mandate to the proconsuls may suggest[240] that, already at this early date, it was treating this area of the peninsula as if it were a *provincia* coming under the jurisdiction of a promagistrate.[241]

[236] Liv. 34.56.2; 41.19.1; Polyb. 2.16.2.

[237] Pedroni 2009.

[238] Polyb. 2.14.6; 3.39.9-10 and 54.2; Liv. 21.30.5 and 35.8-10; Serv. *ad Aen.* 10.13; cf. Cato *Orig.* 4, fr. 10 Chassignet. On the complex role played by the Alps as a geographical and ethnographical boundary, see Migliario 2011-2012, pp. 28-29 (with reference to Strabo), while on the survival of this concept in Late Antique panegyric literature, see Bersani 2003. In relation to the importance of fixing 'natural' boundaries in the Roman context, see Scuderi 1991c.

[239] Laffi 1992.

[240] Migliario 2010, p. 100.

[241] Crawford 1990, pp. 103-109.

Four short, very similar texts describing the intervention in the Venetic area by the proconsuls Lucius Caecilius and Sextus Atilius Saranus are inscribed upon four boundary markers:[242]

> *L*(*ucius*) *Caicilius Q*(*uinti*) *f*(*ilius*), *pro co*(*n*)*s*(*ule*), *terminos / finisque iuset statui ex senati / consolto inter Patavinos Atestinosque*;[243]
>
> *Sex*(*tus*) *Atilius M*(*arci*) *f*(*ilius*) *Saranus, pro co*(*n*)*s*(*ule*), */ ex senati consulto / inter Atestinos et Veicetinos / finis terminosque statui iusit*.[244]

The two cases, described in texts clearly referring to the intervention of the Senate but – on closer examination – less direct with regard to recourse to arbitration, which can only be assumed through comparison with coeval evidence, appear to be closely linked to the political dynamics affecting the Venetic area in that period.[245]

Without specifically addressing the issue that will be discussed in the next chapter, it is worth emphasising a number of aspects making the Cisalpine case particularly enlightening for our understanding of the reasons that led Rome to intervene as intermediary in an ongoing boundary dispute within the Italic territory.

In the first case, for example, if we accept the plausible identification of proconsul Lucius Caecilius (mentioned in the epigraphic texts) with the consul of 142 BC,[246] we will certainly note the close chronological proximity between the emergence of boundary problems between Este and Padua and the development (around 148 BC) of the route that would become the main axis in this region: the Via Postumia which went through Vicetia. Although the territories of the cities involved in these boundary disputes were apparently not affected by the centuriation car-

[242] Ateste vs Patavium: *CIL* I² 633 = V 2491 = *ILS* 5944a (found on Monte Venda, it bears two inscriptions of the same text); *CIL* I² 634 = V 2492 = *ILS* 5944 (from Teolo, it also has two inscriptions of the same text); *CIL* I² 2501 = *AE* 1923, 64 (from Galzignano Terme). Cf. *ILLRP* 476. Ateste vs Vicetia: *CIL* I² 636 = V 2490 = *ILS* 5945 = *ILLRP* 477 (from Lobia, near Lonigo). For other boundary inscriptions found in northern Italy, see Šašel Kos 2002. For an overview of the studies linked to the four inscriptions considered, see Bandelli 1998a, p. 153.

[243] *CIL* I² 2501 = *AE* 1923, 64 = *ILLRP* 476.

[244] *CIL* I² 636 = V 2490 = *ILS* 5945 = *ILLRP* 477.

[245] Buchi 1993.

[246] Forlati Tamaro 1961-1962, p. 115.

ried out in connection with the road network being created in the Venetic area, it is interesting to note that these three cities – reached by the Via Annia-Aemilia[247] (Este and Padua) and by the Via Postumia (Vicenza) – all manifested unmistakeable signs of an internal crisis. This crisis – which may be linked to earlier questions of land ownership that were of particular concern in the Venetic area – may have been heralded by two other events[248] that had already required Roman intervention in the first half of the second century BC, possibly but not necessarily[249] in compliance with the obligations established by a *foedus* with the Veneti peoples:[250]

- the expulsion ordered by Rome in 186 BC of the Celtic groups that had settled in the eastern Venetic area;[251]
- the dispatch by the Senate at the request of the local population of the proconsul Marcus Aemilius Lepidus to put down a *seditio* that took place in Padua between 175 BC and 174 BC.[252]

[247] The construction of this route linking Bologna or Adria to Aquileia is usually dated to 153 BC (Wiseman 1989; Bandelli 2007, p. 21) although there are scholars who call upon the evidence in Strab. 5.1.11 to attribute its construction to Marcus Aemilius Lepidus, thus dating the construction of this 'Venetic' stretch of the Via Aemilia to 175 BC. (Bosio 1997, pp. 31-41). A final hypothesis suggests an 'early' dating of the road to 131 BC (cf. Cresci Marrone 2004).

[248] Buchi 1993.

[249] Bosio (Bosio 1976, p. 69) does not believe in the existence of a proper *foedus* between Rome and the Venetian communities, suggesting that there was a tacit acceptance of Roman rule. This is what Laffi (Laffi 2001a, p. 34) defined as a "realistic acceptance of Roman hegemony" based on the exercise of force and the encouragement of consensus through co-existence. Laffi suggests that this type of acceptance was compensated by the extension of a series of political and economic advantages to the peoples involved that might include the possibility of submitting requests not only foreseen *ex foedere*. On a certain degree of spontaneousness linked to recourse to the power of Rome, see also Sartori 1981, p. 110.

[250] On the wording of the *foedera* stipulated with the Cisalpine peoples between the late third century BC and the early second century BC (Bandelli 2017, pp. 381-382) and on the possible inclusion of a 'clause' connected to the recourse to the arbitral practice, see Calderazzo 1996, pp. 37-38. In the specific case of the Veneti, the hypothetical *foedus* could date to as early as 225 BC, a year in which there is a documented provision of a contingent of 20,000 Veneti and Cenomans to fight with Rome's allied forces (Polyb. 2.23.2; 2.24.7). On this matter, see Gabba 1990a, pp. 75-76.

[251] Liv. 39.22.6-7; 39.45.6-7; 39.54.2-13; 39.55.1-6.

[252] Liv. 41.27.3-4.

Once again Rome's intervention, requested or not, in an area of the peninsula that had yet to be formally annexed among its possessions, would be characterised by a blend of pragmatism and caution. While, on the one hand, the text on the *termini* drawn up exclusively in Latin[253] and the use of the (supposedly) authoritarian formula *statui iusit* reveal the strong influence exercised by the Senate in the Venetic area, it is also true that proconsular intervention would have sought to maintain the socio-economic balances within the local communities[254] – something to which Rome was very committed – by restoring a pre-existing situation of ownership. This was particularly likely in a context like that of Venetia, where the only surviving public inscriptions in Venetic appear on boundary markers.[255] This not only reveals "una precoce attenzione alla fissazione dei confini" also in the legal tradition and customs of pre-Roman Italy – and of the Cisalpine area in particular[256] – but also draws attention to an early 'civic' awareness of the Venetic centres that had been thrown into crisis by the new political balances developing in the course of the second century BC.

On the other hand, evidence of the Senate's tendency to always act with forethought in such contexts – especially in those territories with a strong legacy of pre-Roman legal culture – seems to emerge from its virtual absence at the time of the treaty drawn up between Nola and Abella. The treaty involved a *terminatio* stipulated by *communi sententia* (in this case, and not by coincidence, written in Oscan) concerning the land belonging to a sanctuary of Hercules, a shared site of worship.[257] The absence of references to measures by the Roman authority in this context is explained by the fact that the *terminatio* proceedings were successfuly concluded by calling upon magistrates and legates from Nola and Abella[258] and therefore without the need to involve the higher

[253] However, the letters reveal a certain 'Venetic' influence (Cresci Marrone 2004, p. 31).

[254] Cresci Marrone 2013, pp. 24-25.

[255] Migliario 2010, pp. 102-105. Cf. Belfiore 2019.

[256] Migliario 2010, p. 104; Marinetti, Cresci Marrone 2011, pp. 297-298. See already De Bon 1938. For evidence of this "Venetic tendency" in the Imperial age, see Scuderi 1991a, p. 379 (with previous bibliography).

[257] La Regina 2000.

[258] Franchi De Bellis 1988. It is possible that the territorial reorganisation resulting from this settlement was actually the result of a local agreement – rather

auctoritas of the Senate. Given its 'minimalist' approach, Rome must have looked favourably upon the peaceful settlement of a local dispute with a *sententia* that did not threaten any aspect of its power.

2.5. *Genua vs Viturii Langenses (117 BC)*

The last example (also in the form of an epigraphic text[259]) of the Roman Senate's intervention in the capacity of *arbiter* in boundary disputes flaring up in the Italic territory concerns the conflict between Genua (*civitas foederata*, probably already by the third century BC[260]) and a group of communities in the heart of Liguria (Viturii Langenses, Odiates, Dectunines, Cavaturines, and Mentovines[261]).

Again we will not dwell on the details of this controversy (which are still much debated even today[262] and will be tackled in a separate chapter) but will limit ourselves to highlighting a number of essential elements of the Ligurian case so as to understand its perfect inclusion within the dynamics of Roman intervention in similar contexts. As some scholars have pointed out,[263] the events described by this epigraphic document are key not only for our understanding of the local topography and of the relational dynamics between Ligurian populations and the Roman

than of Roman intervention. This seems to be supported by the concept of border underpinning this agreement. According to Scuderi, in fact, "il confine appare meno perspicuo rispetto alla linea ideale, indicata nei suoi punti salienti, che si ricostruisce dalle lunghe iscrizioni cretesi o dalla tavola di Polcevera" (Scuderi 1991a, p. 389).

[259] *CIL* I² 584 = V 7749 = *ILS* 5946 = *ILLRP* 517.

[260] Lamboglia 1939, p. 200; Scuderi 1991a, p. 380; Mennella 2014.

[261] In the order in which they are mentioned in *CIL* V 7749, ll. 38-39. See Arslan 2007.

[262] Among the most recent studies devoted to the more significant aspects of the *Sententia Minuciorum,* it is worth mentioning: Desimoni 1864; Grassi 1864; Poggi 1900; Lamboglia 1939; Lamboglia 1941; Pastorino 1995; Mennella 1998 (for a general historical overview); Castello 1964; Boccaleri 1993; Bianchi 1996; Pasquinucci 2004b; Pasquinucci 2014 (for issues related to the occupation of the territory); Petracco Sicardi 1958-1959; Boccaleri 1989; Boccaleri 1996; Crawford 2003 (for the topographical implications of the *Sententia*); Sereni 1955, in part. p. 477 (in reference to the exploitation of the territory).

[263] Scuderi 1991a; Calderazzo 1996; Compatagnelo-Soussignan 2011; Cairo 2012.

authority but also for the definition of political and juridical relations between Rome and the Cisalpine area within the broader dynamic of 'international' territorial tensions resolved through Rome's arbitration.

The case of the Polcevera Tablet is extremely interesting in this regard. The text in fact clearly reveals the care taken by the Minucii brothers (and presumably by the *agrimensores* accompanying them) in defining the layout of the Via Postumia, which not only crossed through the centre of the disputed territories but also cut across through boundaries in several points.[264] These boundaries had to be redefined – as was the case in the Venetic area – in the context of the broader territorial re-arrangement necessary not only for the road to be built but also for the foundation of nearby Dertona datable between 122 BC and 118 BC.[265]

Finding a fair resolution to the boundary dispute between the Genuates and Viturii Langenses not only met the ethical demands imposed by the Stoic model but also, and most importantly, it fulfilled the urgent need to ensure the lasting safety of the Roman road network, which as already observed played a vital role not only as the underlying cause of the boundary and land ownership crises but also as a driver in the search for a solution by Roman power.

It is in this light that we should once again interpret the use of a specific 'assertive' juridical language (*statui iusit*[266]) and the recourse to a series of characteristic procedural details like the dispatch of legates (or proconsuls) to the site of the clash[267] and the reading of the verdict in Rome[268] rather than labelling them as an evil manifestation of Roman imperialism in the West.[269]

[264] *CIL* I² 584 = V 7749, ll. 8; 11-12: *ibi termina duo stant circum viam Postumiam* [...] / *ibei terminus stat propter viam Postumiam, inde alter trans viam Postumiam terminus stat; ex eo termino, quei stat* / *trans viam Postumiam*.

[265] Vell. Pat. 1.15.5. See Salomone Gaggero 2006, pp. 85-89; Gabba 1983; Fraccaro 1957b. For an overview of the problems linked to the evolution of the legal status of Dertona, see Pettirossi 2012, pp. 67-68.

[266] l. 3: *Eos fineis facere terminosque statui iuserunt*.

[267] l. 2: *in re praesente cognoverunt*.

[268] l. 4: *ubei ea facta essent, Romam coram venire iouserunt*.

[269] This is in fact the typical lexicon of private arbitration law (*Dig.* 50.17.121; 4.8.21; 4.8.23; *Tab. Herc.* 76.1) and of a procedure in line with the practices of international Greek arbitration (Compatangelo-Soussignan 2011, pp. 58-59).

However the political complexity intrinsic to such forms of intervention by Rome, which sought to guarantee the pacification of these areas (also for obvious reasons of self-interest),[270] seems to emerge from a number of facts contained in the *Sententia Minuciorum*:

– the impartiality shown by Rome with regard to both the Genuates and the Viturii. Not only were the latter obliged to pay a *vectigal*[271] for using the *ager publicus* to Genua but the Genuates wishing to use it were also required to pay the agreed sum of money and to comply with the decision made by the majority of the Viturii;[272]
– the final section of the text allowed for the possibility of appealing against eventual iniquities in the arbitral sentence that had been pronounced;[273]
– the co-existence of strong Roman elements[274] (like recourse to payment in *victoriati*, the use of a specific technical-legal language, and the substantial adaptation of the performance of obligations to the Roman calendar, which clearly means that

[270] Williamson 2005, pp. 168-170; 201-202. See Casella, Petraccia [forthcoming].

[271] We are left with the question of whether the *vectigal* imposed by the Romans, generally considered to be a paltry sum by the standards of the times, could be motivated not only by economic motives (Pedemonte 2018) but also by Rome's wish to avoid stoking the flames of dissension between the communities.

[272] ll. 29-32: *Eus* (!) *quei posidebunt, vectigal Langensibus pro portione dent ita uti ceteri / Langenses, qui eorum in eo agro agrum posidebunt fruenturque. Praeter ea in eo agro ni quis posideto, nisi de maiore parte / Langensium Veituriorum sententia, dum ne alium intro mitat nisi Genuatem aut Veiturium colendi causa. Quei eorum / de maiore parte Langensium Veiturium sententia ita non parebit, is eum agrum nei habeto nive fruimino*.

[273] ll. 44-45: *Sei quoi de ea re / iniquom videbitur esse, ad nos adeant primo quoque die et ab omnibus controversis et hono*(---) *publ*(---) *li*(---). Although the debate is still ongoing, the text provides motives in support of the 'appealability' of the *Sententia* only with regard to the decisions taken on the release of prisoners (Fronda 2013; already Castello 1971 and Bianchini 2006). *Contra* Sereni 1955, pp. 8-9; D'Elia 1973, pp. 34-37; Calderazzo 1996, pp. 36-37, who believe that reference can be made to the complete text of the provision. General considerations on the linguistic specificities of the text can be found in Kraus 1992 and Halla-aho 2018.

[274] Bispham 2007, pp. 139-141.

the discriminating temporal *terminus* was set for 117 BC[275]) together with equally deeply rooted autochthonous components (revealed by the names of the Ligurian legates, by the emergence of a certain institutional structure for Genua at least and by the absence of punitive sanctions[276]) that possibly comes to the fore in the decision to appoint two arbitrators with close ties to the Ligurian territory presumably based on a relationship of "hereditary" patronage.[277]

V. C.

[275] ll. 35-37: *Vectigal anni primi k(alendis) Ianuaris secundis Veturis Langenses in poplicum Genuam dare / debento. Quod ante k(alendas) Ianuar(ias) primas Langenses fructi sunt eruntque, vectigal invitei dare nei debento. / Prata quae fuerunt proxuma faenisicei L(ucio) Caecilio (et) Q(uinto) Muucio co(n)s(ulibus) in agro poplico, quem Vituries Langenses / posident et quem Odiates et quem Dectunines et quem Cavaturineis et quem Mentovines posident, ea prata, / invitis Langensibus et Odiatibus et Dectuninebus et Cavaturines et Mentovines, quem quisque eorum agrum / posidebit, inviteis eis niquis sicet nive pascat nive fruatur*.

[276] Foraboschi interprets the absence of sanctions for eventual transgressions of the will of the tribal assembly as a sign of the continuance of sound relationships of solidarity between community members that are typical of clans (Foraboschi 1992, p. 61).

[277] Canali De Rossi 2001, p. 47 n. 5.

3.
THE IMPACT OF THE ROMAN ROAD SYSTEM ON BORDER DISPUTES: CISALPINE GAUL

> A Roma va naturalmente il merito di aver saputo dar vita ad un completo, efficiente, articolato sistema stradale che, tenendo presenti le indicazioni del passato e le nuove esigenze, l'antico cammino dei popoli e la realtà politica e sociale in atto, seppe armonizzarsi in un grande quadro unitario. (Bosio 1970, p. 21)

3.1. *Cisalpine Gaul between geographic imaginary and imperialist policies*

As we have seen in the previous chapter, Rome's arbitral intervention in the Italic peninsula – at least those cases known to us – is attested in particular in the northern Italian territories lying between the Aesis and the Arnus to the south and the Alpine arc to the north.[278] Due to its morphological peculiarities, this area – which was ethnically and socially so varied that it was unlikely to have been immediately perceived as a homogeneous territorial unit by the Romans – was certainly recognised as a "defined space" in terms of its main features and as potentially easy to limit (and therefore to control) at local level.

Thanks to the "recognisable physiognomy" (as Purcell defined it[279]) generated by the renowned fertility of the area, the high mountains surrounding it, and the incredible network of waterways, it is likely that by the first half of the second century BC, this region would have already been included in the Roman geographic imaginary as an integral part of the term *Italia*.[280]

[278] Degrassi 1954. For various problems that have recently emerged with regard to the definition of the eastern border of the area and the extent of the *ager* of Aquileia, see Šašel Kos 2002.

[279] Purcell 1990.

[280] Polverini 2010. According to Sisani (Sisani 2016, p. 88), the inclusion of this area within the limits of the *terra Italia* was not only motivated by geographic and strategic considerations but took place at a legal and sacral level as well as at a political and institutional level. Cf. Harris 2007; Bearzot 2014.

The effects of this singularity – which concerned both the region's morphology and settlement profile – were apparent at both political and cultural level, giving rise, on the one hand, to a rather anomalous administrative entity and, on the other, to the literary creation of a rather diffused common imaginary of the Po Valley.[281]

With regard to the political aspect, which is our prime concern here, we should recall, along with Polverini, that the initial phase of Rome's expansion to the north (at the time of the Battle of Clastidium, 222 BC) and its recognition as a hegemonic power (revealed also by the aforementioned arbitral interventions) by the mid-second century BC were followed by the foundation of the province of Gallia Cisalpina, which probably took place[282] no earlier than the 80s BC.

The delay – which is considerable even accepting the earlier dating – between the effective annexation and the *redactio in formam provinciae*, to which we must add the exceptionally short duration of this administrative situation, which was already dissolved by 42 BC,[283] may be symptomatic of the contingent nature of the choice made by the Roman authority. In fact, it is possible that the logistic and military difficulties involved in governing an area whose extreme social diversification prevented the uniform diffusion of the civic structures necessary for the stable administration of a territory caused Rome to opt for the provincial institution developed for the effective management of extra-Italic territories rather than the tried and tested federal system.

During the late Republican period, evidence of the intrinsic dicotomy of this geographical context – fluctuating between a rooted local connotation and the expression of a "flourishing regional Romanity"[284] (to the point that these territories are said

[281] Mratschek 1984.

[282] Cf. Sisani 2017. The author refers to the use of the term *Italia* in the clauses with a municipal bearing contained in the *Tabula Heracleensis* (*CIL* I² 593 = *ILS* 6085 = *FIRA* I² no. 13; in general see Nicolet 1987) to support the idea that Cisalpine Gaul was already an ordinary province by the last decade of the second century BC.

[283] App. *Bell. civ.* 5.12. Cf. Laffi 2001b.

[284] Sena Chiesa 2014, p. 10.

to have undergone a "Selbstromanisierung"[285]) – would emerge again with regard to strong 'Gallic' elements held to be typical of the members of the Roman ruling class from this area. This is exemplified by Cicero's use of the derogatory epithet *Placentinus* in reference to his enemy Lucius Calpurnius Piso,[286] held to be lacking in *urbanitas* due to his Gallic origins, or by Gaius Asinius Pollio's criticism of Livy's *Patavinitas*,[287] which extended far beyond the literary sphere.[288]

The uniqueness of Rome's relationship with Cisalpine Gaul, perceived as being geographically univocal but not completely integrated into the reality of peninsular Italy in the strict sense,[289] emerges very clearly and must have been expressed in the search for administrative systems meeting the specific needs as they arose.

An initial difference in the forms of subjection adopted by Rome in this area seems to emerge in relation to its most distinctive morphological feature: the Po river. It is generally

[285] Fundamental in this regard, Vittinghoff 1970-1971, p. 33. Cf. Le Roux 2004, pp. 287-311 and Cecconi 2006, pp. 81-94. On the impossibility of viewing the process of 'Romanisation' as a univocal and monolithic phenomenon, to the point that it would be more appropriate to speak of 'Romanisations', see Galsterer 2009.

[286] Ascon. *Pis.* 4.3, fr. 10. On this matter, see Köster 2014, pp. 72-73.

[287] Quint. *Inst.* 1.5.56; 8.1.3.

[288] Latte 1940.

[289] The continuing existence of a substantial separation even at the time of the provincialisation of Italy under Diocletian suggests that the annexation of the continental area of Italy was more formal than structural. According to some authors (Polverini 2010), Diocletian's division of Italy into provinces embodied the polarisation of the *dioecesis Italiciana* into *Italia suburbicaria* (roughly corresponding to the peninsular Italy subject to the Roman authority of the *vicarius Urbis*) and *Italia annonaria* (the northern part of the peninsula that was under the authority of the *vicarius Italiae* residing in Milan). This consideration is generally used to support the claim that in Late Antiquity, breaking with a custom existing since the fifth century BC, the name *Italia* was applied to the northern region of the peninsula only. This area was also beginning to distinguish itself from the south in economic and fiscal terms (Cracco Ruggini 1961). In actual fact, as shown by Giardina (Giardina 1997, pp. 272-274) it is plausible that the identification (which is extremely rare in the official documents) of the name *Italia* with a restricted area of the peninsula was due to the overlapping of competencies between the *vicarius Italiae* (theoretically charged with governing the entire diocesis of Italy) and the *vicarius* resident in Rome who was responsible for a part of the peninsula. According to Giardina, the ambiguity of the title attributed to the *vicarius Italiae* "finì per provocare l'attribuzione [...] del nome Italia, in forma esclusiva, a quella stessa parte".

thought that this "complex form of domination" resulted in a more direct intervention by the Senate in the area south of the river (exterminations, deportations, and confiscations followed by redistribution of land for colonies or in the form of viritane assignments) and in a less aggressive approach in the north (imposition of *foedera* on the native populations). Actually, as pointed out by Bandelli, such a systematic approach would require us to accept the idea – which is rather hard to defend – that during this stage of expansion, Rome's military and diplomatic actions were guided exclusively by the single-minded desire of its ruling classes to pursue a deliberate long-term imperialistic policy[290] rather than by the individual actions of a number of prominent personalities driven by contingent interests in terms of clientship.[291]

The decisive role of specific individuals in Roman expansionist politics in the Cisalpine territory emerges all the more forcefully if we consider that those repeatedly involved in the protracted process of administrative organisation of the area (which drew upon various types of intervention ranging from military to diplomatic measures) would frequently have encountered the following in their operations:

– on the one hand, resistance from a part of that senatorial *nobilitas* whose shared politics they were supposed to express. This opposition was rooted both in economic assumptions (regarding the looming threat that viritane land allotments posed for the *possessores*) as well as in political considerations (linked to fears that the civic body would be dispersed in new pools of voters with strong ties to the promoter of such initiatives);[292]

[290] This theory is found in several works, including Luttwak 1976; Peyre 1979 (in part. pp. 43-52); Harris 1979 (in part. pp. 175-200). More recently, see Calderazzo 1996, p. 25 who speaks of Rome's "planned" intervention in Cispadana.

[291] As described by Cassola 1962, pp. 146-171; 209-228. See also Bandelli 1998b. More recently, Bradley (Bradley 2014, pp. 65-66) suggested that the necessary preconditions for the development of a possible long-term strategy enacted by Rome's highest authoritative body (with particular reference to the vitality of the Senate and the birth in these very decades of a ruling class conceiving itself as such, see Hölkeskamp 1993) 'only' came about at the end of the fourth century BC.

[292] Bandelli 2005.

– on the other hand, the approval of the popular masses who would benefit, among other things, from the huge expenditure of public funds and the increase in employment opportunities resulting from the construction of the great *viae publicae*. In fact, historiographic rhetoric branded such initiatives as actions with a high demagogic impact.[293]

One case involving Gaius Flaminius would prove decisive for the historical and social evolution of the Cisalpine region. Polybius, heaping on the head of this Roman magistrate all the contempt he has amassed with regard to agrarian policies introduced by the revolutionary programmes of the Greek democrats,[294] accuses him not only of promoting a demagogic programme with negative effects on customs, but also of contradicting himself[295] by causing the outbreak of hostilities with the Boii:[296]

> Μετὰ δὲ τοῦτον τον φόβον ἔτει πέμπτῳ, Μάρκου Λεπέδου στρατηγοῦντος, κατεκληρούχησαν ἐν Γαλατίᾳ Ῥωμαῖοι τὴν Πικεντίνην προσαγορευομένην χώραν, ἐξ ἧς νικήσαντες ἐξέβαλον τοὺς Σήνωνας προσαγορευομένους Γαλάτας, Γαΐου Φλαμινίου ταύτην τὴν δημαγωγίαν εἰσηγησαμένου καὶ πολιτείαν, ἣν δὴ καὶ Ῥωμαίοις ὡς ἔπος εἰπεῖν φατέον ἀρχηγὸν μὲν γενέσθαι τῆς ἐπὶ τὸ χεῖρον τοῦ δήμου διαστροφῆς, αἰτίαν δὲ καὶ τοῦ μετὰ ταῦτα πολέμου συστάντος αὐτοῖς πρὸς τοὺς προειρημένους. Πολλοὶ μὲν γὰρ τῶν Γαλατῶν ὑπεδύοντο τὴν πρᾶξιν, μάλιστα δ' οἱ Βοῖοι, διὰ τὸ συντερμονεῖν τῇ τῶν Ῥωμαίων χώρᾳ, νομίσαντες οὐχ

[293] As in the case of Gaius Sempronius Gracchus (mentioned by Plutarch and Appian: Plut. *C. Gr.* 6-7; App. *Bell. civ.* 1.23), but Appius Claudius was also accused of harbouring similar ambitions (Liv. 9.29.5-9; Diod. Sic. 20.36).

[294] For an overview of the motives that may have led Polybius to include such a negative portrayal of Gaius Flaminius in his work, not least, the hostile attitude to this *aedilis* in the oral tradition of the Scipionic Circle, see Vishnia 2012, pp. 27-32.

[295] Polyb. 2.21.3. See also Zon. 8.18.

[296] Polyb. 2.21.7-9: "Five years after this alarm, in the consulship of Marcus Aemilius Lepidus, the Romans divided among their citizens the territory in Gaul known as Picenum, from which they had ejected the Senones when they conquered them. Gaius Flaminius was the originator of this popular policy, which we must pronounce to have been, one may say, the first step in the demoralization of the populace, as well as the cause of the war with the Gauls which followed. For what prompted many of the Gauls and especially the Boii, whose territory bordered on that of Rome, to take action was the conviction that now the Romans no longer made war on them for the sake of supremacy and sovereignty, but with a view to their total expulsion and extermination". Cf. Plut. *Marc.* 4.

> ὑπὲρ ἡγεμονίας ἔτι καὶ δυναστείας Ῥωμαίους τὸν πρὸς αὐτοὺς ποιήσασθαι πόλεμον, ἀλλ' ὑπὲρ ὁλοσχεροῦς ἐξαναστάσεως καὶ καταφθορᾶς.

While the accusation that Flaminius has changed the way the Boii perceived the Romans – by allocating the *ager Gallicus* in 232 BC and subsequently constructing the Via Flaminia around 223 BC – appears to be rooted in Polybian "causation-theory",[297] the allegations of demagogy made against Flaminius probably came directly from a contemporary witness to these events: Fabius Pictor, a member of the most conservative Senatorial class,[298] who had a similar aversion to those seeking to entice the masses.

This analysis of the facts by Polybius further confirms the decisive role played by strong competition within the upper echelons of the Roman State both as a 'driver' and/or check to the process of expansionism in the Cisalpine region. Yet, as we shall see, it was in northern Italy that the Senate intervened most incisively in magisterial matters. As noted by Eckstein with regard to events that took place in the third century BC,[299] this happened both because the assembly was physically closer to the field of action of those charged with conducting military and/or diplomatic operations (this proximity obviously also facilitated communications) but also because of the concrete threat posed by the consequences of such actions for the centres of interest – still strongly Italocentric – and of power of the *Patres*.

Leaving aside the specific figure of Gaius Flaminius, it cannot be denied that the construction (or restoration) of a road, then as now,[300] was a highly political act, dense with consequences.

While it may seem anachronistic[301] to refer to the legendary attention devoted to this activity by Octavian/Augustus, it may be opportune to at least touch upon the episode described by Cicero

[297] Eckstein 2012, p. 209.

[298] Mineo 2011, pp. 111-112.

[299] Cf. Eckstein 1987, pp. 3-72 who believes that only substantial *concordia* between the disputing parties would have allowed the cumbersome Roman decision-making mechanism to work.

[300] See, for example, recent news of China's 'infrastructural colonisation' of the African continent (Broadman 2007).

[301] For the road-building policies enacted during the Principate, see Laurence 1999, pp. 40-52.

in a letter to his friend Atticus in 65 BC regarding the candidacy of a certain Thermus as consul:[302]

> *Nostris rationibus maxime conducere videtur Thermum fieri cum Caesare. Nemo est enim ex iis, qui nune petunt, qui, si in nostrum annum reciderit, firmior eandidatus fore videatur, propterea quod curator est viae Flaminiae, quae tum erit absoluta sane facile. Eum libenter nune Caesari consuli aecuderim. Petitorum haec est adhuc informata cogitatio. Nos in omni munere candidatorio fungendo summam adhibebimus diligentiam, et fortasse, quoniam videtur in suffragiis multum posse Gallia, cum Romae a iudiciis forum refrixerit, excurremus mense Septembri legati ad Pisonem, ut Ianuario revertamur.*

According to Cicero, who hopes to see this rival elected that same year together with Lucius Julius Caesar rather than seeing him deferred to the following round in which he himself was to participate, the candidate to beat the following year (64 BC) was none other than the person in charge of restoring the Via Flaminia. This initiative, which would have guaranteed a considerable pool of votes, seems to worry Cicero to the point that he decides to travel to Gaul in person to win the votes of a region that is now considered a key constituency in the elections.

A brief look at the legal status of the *viae publicae* will do more to explain their political importance than any number of historical studies into their undeniable role as a means of integration and cohesion[303] (or, in this specific case, as a means to a Romanisation

[302] Cic. *Att.* 1.1.2: "It would probably suit our book best for Thermus to get in with Caesar: for, of the present batch of candidates, he would be the most formidable rival if he were put off to my year, as he is commissioner for the repairing of the Flaminian road. That will easily be finished by then: so I should like to lump him together with Caesar now. Such is the present rough guess of the chances of the candidates. I shall take the greatest care to fulfil all a candidate's duties: and, as Gaul's vote counts high, I shall probably get a free pass and take a run up to visit Piso, as soon as things have quieted down in the law courts here, returning in January".

[303] To the extent that communication axes were sometimes built prior to the annexation of the territory concerned (Coarelli 1988). One such example is the Via Valeria datable to 307 BC while the eradication of the Aequi (304 BC) and the foundation of the Latin colonies of Alba Fucens (302 BC) and Carseoli (298 BC) should be placed some years later. Similar examples, at least in part, can be found with regard to the *viae* Appia, Latina, and Aurelia. It is likely that the construction of the Via Aurelia, which was plausibly built by the censor of

that has more to do with the concept of 'propagation' than that of 'inclusion'[304]) through the creation of what was perceived as a shared commercial and cultural space:[305]

> *Sed inter eas et ceteras vias militares hoc interest, quod viae militares exitum ad mare aut in urbes aut in flumina publica aut ad aliam viam militarem habent, harum autem vicinalium viarum dissimilis condicio est: nam pars earum in militares vias exitum habent, pars sine ullo exitu intermoriuntur*.

The legal sources defining the use of the *viae vicinales* and *viae militares* (intended here as major thoroughfares for public passage[306]) clearly indicate that the latter always led to further communication routes and would never terminate in a dead-end. In its ideal form, a road was neither conceived nor constructed to end at a boundary[307] but intended to cross it physically or, at least, to create the conditions necessary for it to be crossed.

3.2. *Roman diplomacy in the Cisalpine region*

So while the colonisation underway during the mid-Republican era[308] and the associated infrastructural system can be considered examples of the "structural pressures" exerted in various directions – due to actions and decisions not necessarily etero-directed – the many instruments adopted by Rome to manifest its increasing

241 BC, Gaius Aurelius Cotta, was more closely linked to the emergent interests of Rome in Liguria (and consequently in Corsica and Sardinia also) than to the provision of support for the definitive control of coastal Etruria linking the existing colonies between Fregenae and Cosa, which were already connected by the Etruscan road network.

[304] Cardilli 2015, p. 96.

[305] *Dig.* 43.7.3.1: "A difference exists between roads of this kind and military highways, namely, military highways terminate at the seashore, or in cities, or at public streams, or at some other military highway, but this is not the case with roads through a neighborhood, for some of them terminate at military highways, and others end without any exit" [English translation: S. P. Scott, *The Civil Law*, IX, Cincinnati 1932].

[306] Palma 1982, p. 857.

[307] In fact, Roman jurists did not consider a boundary to be the natural 'outcome' of a public thoroughfare. See Wiseman 1987, pp. 124-125. *Contra* Radke 1964.

[308] Bandelli 2007, pp. 18-21.

presence in the Cisalpine region were not just military but also linked to the sphere of intermediation.[309]

As we all know, Rome took its first steps in this direction in the third century BC by making certain of the neutrality of the Cenomans (whose territory was north of the Po, between the rivers Oglio and Adige) and of the Veneti (settled in the eastern Po Plain),[310] but it was not until the crucial second century BC that it began to make extensive use of *foedera*, a phase that only ended in 89 BC when *ius Latii* was conferred upon the Transpadane peoples.[311] In fact, according to Cicero,[312] one of the conditions of Rome's alliances with the Cenomans, Insubres, Helvetii, Iapydes, and various barbarian tribes from Gaul was that no member of the aforementioned tribes was to be admitted to the body of Roman citizens.[313]

As mentioned before, we can assume that Rome had a similar federative relationship[314] with the Veneti (from at least 225 BC, the year in which the latter fought alongside the Romans against the Boii and Insubres[315]) and that such a relationship was plausibly in existence with some of the more economically and socially advanced[316] Ligurian tribes like the Genuates[317] and Ligures Ingauni[318] (possibly already by 236 BC).

[309] Häussler 2013, pp. 108-112.

[310] Liv. 21.25.14; Polyb. 2.23; Strab. 5.1.9.

[311] Häussler 2013, pp. 112-117.

[312] Cic. *pro Balb.* 14.32.

[313] While sources do not explain whether this clause intended to keep the Transpadane peoples in a substantially inferior condition (Peyre 1979, p. 64) or to safeguard their autonomy and social cohesion (Luraschi 1979, pp. 23-101), its inclusion certainly reveals the multitude of "soluzioni che Roma era in grado di escogitare per organizzare le comunità e i territori sottoposti alla sua influenza" (Cairo 2012, p. 51).

[314] Scholars have often disagreed about the level of *aequitas* (Tibiletti 1950, p. 212; Arslan 1978, p. 454; Luraschi 1979, pp. 44 ff.) or *iniquitas* (Horn 1930, p. 55; Chilver 1941, pp. 6-7) to attribute to such pacts. In the mid-1990s, Calderazzo referred to Rome's generally compromissory stance in this region to support the substantial *aequitas* of a number of clauses implicit to the *foedera* (Calderazzo 1996, p. 37).

[315] Polyb. 2.23.1-2.

[316] Gambaro 1999, p. 41.

[317] Liv. 28.46.7; 30.1.10; 32.29.5-8.

[318] Liv. 31.2.11. Cf. Harris 1989, p. 114.

It is against this socio-cultural and settlement background – which was so varied that Rome would make considerable distinctions in the way it defined and governed its relations with the communities settled in the Cisalpine context[319] – that we must view the series of initiatives that saw the Senate (formally) and a number of prominent members of the Roman aristocracy (effectively) acting as mediators – even to the detriment of other equally illustrious members of the ruling class.[320]

In 187 BC,[321] for example, the Cenomans requested the necessary intervention of the Roman assembly in order to redress the wrongs committed by the praetor Marcus Furius Crassipes, accused of having illegally disarmed the Transpadane population.[322] The Senate responded by dispatching Marcus Aemilius Lepidus as an envoy. Ten years later (between 175 BC and 174 BC), at the time of his triumph over the Ligurians, Lepidus would be entrusted with quelling the upheavals that had broken out among the Patavini, possibly due to the reorganisation that

[319] During the third and second centuries BC, such relations ranged from the stipulation of *foedera* (with entire *nomina* and/or *civitates*) to the establishment and deduction of colonies (with Latin or Roman rights), and including the settlement of groups of Roman citizens in various territories by means of viritane land allotments and the ensuing development of various forms of urban settlements including *conciliabula*, *praefecturae*, and *fora* (for their specific statutes refer to Todisco 2011, pp. 37-54). An overall picture of the situation can be found in Bandelli 2007, pp. 18-21. For the Ligurian case, see Gambaro 1999, pp. 71-73 (for the south-western Piedmont area, see Sapienza 2012, while for northern Piedmont, Mercando 1990, pp. 441-446). For the Transpadane regions in general, see Bandelli 1990 and for the eastern area, Bandelli, Chiabà 2005, pp. 440-443. For the south-eastern area of the Cisalpine region, see Bandelli 2005, coll. 14-20. For the evolution of forms of intervention by Rome in this context during the first century BC, and for the phenomenon of the so-called 'fictional' colonisation, see Maganzani 2017; Maganzani 2016; Piegdoń 2013; Barbati 2012; Lamberti 2010.

[320] Individual interests were not always in alignment with those of the Assembly as shown by an episode in 236 BC that saw the Senate forced to reject a treaty established with the Corsicans by the non-authorised legate Marcus Claudius Clineas (Zon. 8.18; Val. Max. 6.3.3).

[321] The year is the same year of the offensive launched by the two consuls (Marcus Aemilius Lepidus and Gaius Flaminius) against the Friniates based in the Emilian-Pistoian Apennines and against the Apuani to ensure the safety of the section of the Via Aemilia running through the Apennines (Liv. 38.42.8; 39.2.1-11).

[322] Liv. 39.3.1-3; Diod. Sic. 29.14.

followed in the wake of the construction of the second stretch of the Via Aemilia going from Bononia to Aquileia.[323]

Lepidus, who had also overseen the construction of the first stretch of the road (from Ariminum to Placentia), held various offices in that period:

- member of the triumvirate that founded the colonies of Mutina and Parma (183 BC);[324]
- member of the committee in charge of the affairs of Luna (177 BC);[325]
- member of the decemvirate *agris adsignandis* set up to carry out the viritane assignment of Gallic and Ligurian land (173 BC).[326]

Such offices and initiatives would have won him the approval of a large group of new clients in the area,[327] to the extent of justifying his dispatch to Padua at the time of his second consulship.[328] In 170 BC, Lepidus was even sent *trans Alpis*, to the court of King Cincibilus, to clarify the Senate's position with regard to the consul Gaius Cassius, who had been charged with abuse of power by a deputation of Carni, Histri and Iapydes.[329]

A few years before, in 173 BC, consul Marcus Popilius Laenas was also responsible for an act of unacceptable repression, this time against the Statellates, a Ligurian tribe based in what is now south-eastern Piedmont.[330] According to Livy's account, the

[323] Strab. 5.1.11 dates the construction of this stretch (*minor*) of the Via Aemilia to 187 BC but is clearly mistaken. For the problems related to the dating of this stretch, see Matteazzi 2017, pp. 92-93.

[324] Liv. 39.55.6-8.

[325] Liv. 41.13.4. See Angeli Bertinelli 2011.

[326] Liv. 42.4.3-4.

[327] On the key role played by the Aemilii Lepidi on the Roman political scene between the second and the first century BC, especially their contribution to provisioning the city, see Allély 2000.

[328] Liv. 39.55.6-8.

[329] Liv. 43.5.1-10. According to the linguistic analysis carried out by Calderazzo (Calderazzo 1996, p. 31, n. 26), not only were the Alpine populations mentioned by Livy in a position of non-belligerence with Rome (as revealed by the fact that they spontaneously decided to send an embassy to the Senate) but they might even have entered an alliance with the Republic.

[330] Plin. *NH* 3.5.47.

enslavement of a great number of members of the tribe, which had already made an act of submission to the Republic, was seen in a poor light back in Rome.[331] Although many authors believe that the Senate's opposition to Popilius' actions[332] was more formal than substantial, the clash of interests[333] concluded with the liberation of the Statellates who were resettled in Transpadana.[334]

Although it is not easy to establish whether the Senate's suppressive action against the Roman consul stemmed from its particular concern for the interests of the Cisalpine populations, it cannot be excluded that it would have had worries about the consul's rise in popularity following assignments of lands that were advantageous in terms of clientship.[335] This is illustrated by a similar case reported by Strabo that took place in 143 BC[336] and concerned a dispute between two groups of Salassi (or between the Salassi and a neighbouring people called the Libui[337]) regarding the exploitation of natural resources in the western Cisalpine region.

Hostilities broke out as a result of the struggle to exploit the water resources, required both for complex gold-mining operations in the mountains and for the irrigation of the fields in the valley below that supplied food for most of the peoples in this region. The frequent clashes caused by the channeling-off of the disputed

[331] Liv. 42.1.1; 42.7.3-10; 42.8.1-8; 42.9.1-6; 42.10.9-11; 42.21.2-8; 42.22.1-8.

[332] In fact, Popilius became censor in 159 BC while his brother was elected as consul in 172 BC (see Harris 1979, pp. 270-271; Dyson 1985, p. 112).

[333] There is no scholarly consensus about the possibility of a clash of interests involving Marcus Popilius Laenas and Marcus Aemilius Lepidus. Some authors believe that the latter had interests in southern Piedmont at the time of land distribution schemes linked to the organisation of the *ager Ligustinus et Gallicus*. This hypothesis seems to be supported by traces of centuriation identified in the area around Dertona (Torelli 1998, pp. 30-31; Zanda 1998, p. 63; Gambaro 1999, pp. 44-45; Zanda 2011, pp. 44-46) but is strongly opposed by those who rightly refer to the important *adsignatio viritana* that was underway in 173 BC in the area to the south of Modena and Parma (Bandelli 2009, pp. 197-201; Migliario 2014, p. 347).

[334] Baldacci 1986, p. 98. In general, see Luraschi 1980.

[335] Dyson 1985, p. 110.

[336] Strab. 4.6.7. Cf. Liv. *Per.* 53; Cass. Dio 22, fr. 74; Iul. Obs. 21; Oros. 5.4.7.

[337] The doubt arises from Strabo's problematic location of the mines in the north-western Cisalpine region. Some authors place the mines near the Evançon river (Perelli 1981; Bessone 1985), others in the area south of the Elvo (Fraccaro 1957a; Cresci Marrone 1987).

watercourse – mistakenly identified by Strabo as the river Dora Baltea – led to Roman intervention in this area. Rome, possibly justifying its actions on the basis of a treaty with the population living near Vercellae, dispatched consul Appius Claudius Pulcher to deal with the matter. However, instead of seeking to promote the reconciliation sought by the Senate, Appius, a rival of Scipio Aemilianus[338] and future member of the agrarian commission set up under the *lex Sempronia* for the assignment of the *ager publicus*, according to the sources reporting the event took advantage of the crisis to declare war against the Salassi for his own personal glorification:[339]

> ὅτι ὁ Κλαύδιος ὁ συνάρχων Μετέλλου, πρός τε τὸ γένος ὠγκωμένος καὶ τῷ Μετέλλῳ φθονῶν, ἔτυχεν ἐν τῇ Ἰταλίᾳ λαχὼν ἄρχειν, καὶ πολέμιον οὐδὲν ἀποδεδειγμένον εἶχε, καὶ ἐπεθύμησε πάντως τινὰ ἐπινικίων πρόφασιν λαβεῖν, καὶ Σαλάσσους Γαλάτας μὴ ἐγκαλουμένους τι ἐξεπολέμωσε τοῖς Ῥωμαίοις. Ἐπέμφθη γὰρ ὡς συμβιβάσων αὐτοὺς τοῖς ὁμοχώροις περὶ τοῦ ὕδατος τοῦ ἐς τὰ χρυσεῖα ἀναγκαίου διαφερομένοις αὐτοῖς, καὶ τήν τε χώραν αὐτῶν πᾶσαν κατέδραμεν ... ἔπεμψαν δὲ αὐτῷ οἱ Ῥωμαῖοι ἐκ τῶν δέκα ἱερέων δύο.

Yet again the Senate took steps to repress the unauthorised actions of one of its magistrates. On this occasion, however, although it denied Appius permission to celebrate a triumph,[340] it did not return the mining site to the Celto-Ligurian people[341] but granted the concession to the *publicani*.[342]

[338] Plut. *Aem.* 38.2-5.

[339] Cass. Dio 22, fr. 74.1: "Claudius, the colleague of Metellus, impelled by pride of birth and jealousy of Metellus, since he had chanced to draw Italy as his province, where no enemy was assigned to him, was eager to secure by any means some pretext for a triumph; hence he set the Salassi, a Gallic tribe, at war with the Romans, although no complaints were being made against them. For he had been sent to reconcile them with their neighbours who were quarrelling with them about the water necessary for the gold mines, and he overran their entire country ... the Romans sent him two of the ten priests". For an analysis of this passage, see Urso 2013, pp. 53-58.

[340] In fact, the consul celebrated the triumph at his own expense (*privatis sumptibus*). On the controversial matter of the triumph of Appius Claudius Pulcher, see Balbo 2017, pp. 504-505.

[341] Zecchini 2009, p. 49.

[342] Plin. *NH* 33.78. The Salassi kept their control of the local riverbeds needed to carry out the extraction process. The sale of this key resource to the contractors

The matter of Appius Claudius Pulcher is interesting from several points of view. The dynamics of Roman intervention in the western Cisalpine region reveal a number of apparent contradictions in the actions of the Senate both with regard to the *auctoritas* attributed to its magistrates and the *aequitas* shown towards the allied populations. Three points in particular are worth mentioning:

- contrary to what might be expected, the consultation of the Sibylline Books after the failure of Pulcher's first campaign seems to reveal that there was considerable support for the consul's actions against the Salassi;[343]
- although his appointment as censor in 136 BC can be partially interpreted as a sign that his career was slowing down,[344] it also shows that he continued to play a prominent role in Roman politics even after the serious allegations made against him;
- the Senate's final decision to claim ownership of the gold mines is a clear sign of the opportunism underpinning its condemnation of the actions of Appius Claudius;
- the substantial negativity surrounding the figure of the consul in the later historiography (similar to that associated with other prominent contemporaries[345]). This hostility reflects not only the anti-Gracchan and anti-demagogic climate against which the actions of magistrates – in the Cisalpine

and their avidity caused clashes to continue breaking out for many years after the consul's defeat of the Salassi in 143 BC (see Migliario 2012, pp. 111-113).

[343] Cass. Dio 22, fr. 74, 1; Iul. Obs. 21; Frontin. *Aq.* 7. The consultation of these texts would not only have required the prior authorisation of the Senate but would also have led to an extended debate concerning the steps to be taken in order to comply with the oracle. In general, see Santangelo 2013, pp. 128-134. On this specific case, see McDougall 1992, p. 454; Balbo 2017, pp. 501-503. Cf. Astin 1967, p. 106 who believes that the sending out of the *decemviri* was engineered by friends of A. Claudius Pulcher to prevent his recall following his initial defeat and Rosenstein 1986, p. 240 who believes that this was the direct wish of the consul with the aim of justifying his failed attempt by means of juridical-sacral motives.

[344] For the repercussions that the case of the Salassi had upon the career of Appius Claudius Pulcher (and, above all, on the poor turnout for the *dilectus* linked to his censorship), see Balbo 2017.

[345] Cass. Dio 22, fr. 74.1-2; 23, fr. 81. Cf. Plut. *Aem.* 38.2-5.

area in particular – would be analysed *a posteriori* but also the generalised – albeit not univocal[346] – opposition expressed by these same sources with regard to certain *gentes*[347] considered to be an expression of the subversive movements that led to the crisis of the *nobilitas* of the optimates.

The intervention of the Senate therefore, whether in boundary disputes or in more belligerent contexts, seems to be the result of a series of "contrasti armonici, di contraddizioni composte in equilibrio".[348] The aim was to reconcile the rigidity underlying the concept of *imperium* with the restrained elasticity that would flow into the rich and varied system of approaches intended to diffuse its rule.

Examples of this "fluid hegemony" can be found in the decision of the Roman authorities to avoid being involved in the peaceful debate between Nola and Abella as well as their decision to somehow step back with regard to the authority of Genua, acknowledging its position of supremacy over the surrounding tribes; it is precisely this recognition that would allow Rome to express a more subtle strategy leading to the indirect affirmation of its influence.[349]

Although, as Faoro pointed out most recently,[350] the differences between Rome's interlocutors go a long way towards explaining her differing policies, we cannot avoid noticing that most of the cases leading to Rome's intermediation in the Cisalpine region were situated in the proximity of a road axis of primary importance. This emerges quite clearly in the episode linked to

[346] Cf. Plut. *Tib. Gr.* 4.2; 9.1; *Aem.* 38.

[347] The arrogance of the Claudii, for example, was proverbial and held by many authors to be a distinguishing trait of this *gens* (Liv. 2.56.7; Tac. *Ann.* 1.4.3; Cass. Dio 23, fr. 81). On this matter, see Wiseman 1979, pp. 77-103. See also the celebrated passage by Syme on the *gens* of the victor over the Salassi (who would not be definitively defeated until 25 BC): "There was no epoch of Rome's history but could show a Claudius intolerably arrogant towards the *nobiles* his rivals, or grasping personal power under cover of liberal politics" (Syme 1939, p. 19).

[348] Giardina 1997, p. 76.

[349] As shown by Gagliardi (Gagliardi 2006, pp. 275-277), in this phase, it would be more accurate to describe this as the establishment of an 'informal' tie of subjugation rather than as an *adtributio* from the Viturii Langenses to the community of Genuates.

[350] Faoro 2015, p. 177.

the *Sententia Minuciorum*, which contains a territorial definition revealing the key importance of the Via Postumia. As a *res publica in usu publico*, this road was inalienable and imprescriptible. It was in fact marked by *cippi* indicating its exclusion and extraneousness to any claim and/or confrontation that might have prejudiced the inviolable interests of the *populus Romanus*.[351] Although the interdictal protection of *viae* as public places did not receive legal ratification until much later,[352] this very notion of *utilitas publica*[353] linked to the safeguarding of road routes may have been responsible for directing Rome's attention to these specific Cisalpine areas.

As noted by Calderazzo,[354] although the upheavals taking place within the community of the Cenomans based in the area south-east of Brixia in 187 BC may have threatened the area to the north of the key hub of Placentia (which was reached by the Via Aemilia in that same period), it has also been pointed out that the crises in the Venetic area may have affected centres along the routes of the Via Postumia and Via Annia-Aemilia. If we identify the people that clashed with the Salassi (in 143 BC) to gain control of the watercourses in north-eastern Piedmont as the Libui, then it is possible that Roman involvement in this corner of the Cisalpine territory was the result of an attempt to maintain a stable peace in the sector to the north-west of the centres (Placentia and possibly also Dertona) lying on the route of the newly constructed Via Postumia (148 BC).[355]

Lastly, it may be worth reflecting again on the more obscure case linked to the tribe of the Statellates. Although the events described by Livy took place in 173 BC and could not therefore have had any impact on the Roman road network, which was constructed over half a century later in this area, we should remember that both the Via Aemilia-Scauri[356] and the later Via Iulia Augusta, which

[351] Ponte 2007, pp. 55-64.
[352] Ponte 2007, pp. 69-72. See also Di Lella 2004.
[353] Scevola 2012.
[354] Calderazzo 1996, pp. 45-46.
[355] Cf. Balbo 2016.
[356] Ciampi Polledri 1967.

followed its route[357] crossed the area of Aquae Statiellae,[358] which was probably a hub of pre-Roman routes.[359]

3.3. Utilitas *and* libertas*: a universal empire founded upon the city and upon mobility*

As mentioned, therefore, Roman intermediation in boundary matters took place in the chronological period immediately after the above events in the context of ongoing situations where the Senate had been called upon to settle disputes that involved its own members. The magistrates in question had been accused of various wrongdoings:

- in the case of Marcus Furius Crassipes and Marcus Popillius Laenas, of having wrongfully oppressed populations that were supposedly allies of Rome or certainly undeserving of such treatment given their peaceful behaviour in more or less recent times;
- in the case of Appius Claudius Pulcher, of having exploited his position as mediator for his own personal glory.

Although Rome was called upon to intermediate in differing contexts, its response was undeniably very diligent in all cases:

- in the first example mentioned (it is likely, although not certain, that a similar procedure was adopted for the episode involving the Ligurian Statellates[360]), the Senate dispatched Marcus Aemilius Lepidus to the Cenomans, who had requested Rome's intervention to resolve the clashes between the tribe and the magistrate responsible;
- in the third example, the Senate called upon Appius Claudius Pulcher, although he had failed to fulfil his role, to travel to the region and act as *arbiter* between the disputing factions.

[357] Gambaro 1999, pp. 78-80.

[358] In the area formerly occupied by the Statellates until their transfer following the intervention of Marcus Popilius Laenas. See Zanda 1999; Bacchetta, Crosetto, Venturino Gambari 2011.

[359] Dyson 1985, p. 121.

[360] Calderazzo 1996, pp. 31-32.

All these cases of Roman intermediation in the sphere of diplomacy could be defined as 'military'. In fact, they all took place immediately prior to the period that saw Rome intervene with a very similar approach, but this time in boundary contexts. The episodes involving the Cenomans (187 BC), (probably) the Ligures (173 BC), the Gallic populations led by King Cincibilus (170 BC), and the Salassi (143 BC) were all linked to requests for mediation in response to blatantly warlike actions. These actions arose in social and geographic contexts that had not been fully subjected to Roman dominion but that nevertheless recognised Rome's role as hegemonic power (at least in the juridical sphere) and capacity to exercise a power *super partes*.[361]

However, the boundary disputes in which the Senate is known to have acted as *arbiter* all took place after Rome's affirmation in the Cisalpine region. These disputes came about during a phase of reorganisation, which took place during two distinct periods in the Venetic (141 BC and 135 BC) and Ligurian (117 BC) regions, and which took the shape of an administrative restructuring of the region. As revealed by evidence linked to the different levels of urban development attained by the two areas in the second century BC, it is clear that in the Venetic area, which had achieved a certain degree of administrative organisation by a fairly early date,[362] the need to (re)establish precise territorial boundaries must have emerged some years earlier, possibly even at the time of the 175-174 BC *seditio*. In fact, these boundaries, which defined the areas under the administrative control of the various communities,[363] were thrown into crisis by Roman intervention.

[361] The dispatch of embassies to Rome by the northern populations must be seen within the context of a wider process of recognition of Roman *auctoritas* given the general reluctance of these Italic populations to advocate such diplomatic actions. Despite the inferences made by Calderazzo (Calderazzo 1996, p. 37) who believes that Roman arbitral intervention may even have been provided for by a specific clause of the *foedera* drawn up with the communities concerned, based on the information currently available it is hard to go much further than supposing that Roman intervention in the field of arbitration was somehow regulated by the single alliance pacts.

[362] Boaro 2001; Cresci Marrone 2009. For the key role of Patavium in this pre-Roman context, see Matteazzi 2017.

[363] According to Bandelli, a "ridefinizione dei territori di loro competenza" reflected the growth of the cities expressing the "più accentuata proiezione amministrativa delle une sugli altri" (Bandelli 2007, p. 21).

In Liguria, on the other hand – where the period of Romanisation saw the majority of local populations becoming socially organised through forms of intertribal aggregation – similar needs must have emerged later in response to the progressive affirmation of hegemonic poles like Genua that were able to develop (although only towards the end of the second century BC) a certain division of labour, a sound monetary-based economy, and inchoate forms of public magistracies.[364] The facts documented by the *Sententia Minuciorum* suggest that this was a fateful moment for all the Ligurian communities (like the Viturii Langenses) still defining themselves according to tribal ties and basing their political forms on a structure that was fundamentally "inarticolata in aspetti di primitiva democrazia comunitaria".[365]

As Foraboschi has so clearly explained,[366] Roman intervention in the Ligurian territorial dispute reveals the inevitable consequences unleashed by contact with the Roman urban civilisation, contextualising them in a crucial moment of transition:

- the transition from a tribal organisation to an organisation based on territorial-gentilitial ties;
- the affirmation of a form of agrarian production that was not completely self-sufficient and that was intended for a market economy;
- the diffusion of a monetary economy with clear implications in the social sphere.[367]

The fact that such actions of intermediation in an area of conflict in the first half of the second century BC all concerned the western Cisalpine area clearly reveals the differentiated approach adopted by Rome with regard to communities that had yet to be fully absorbed within the Roman administrative system. This may have been due to the greater difficulties experienced in identifying civic

[364] Gambaro 1999, p. 47.

[365] Foraboschi 1992, p. 61.

[366] Foraboschi 1992, pp. 59-62.

[367] As shown by the celebrated account by Poseidonious (Strab. 3.4.17 = Posidon. fr. 25 Theiler; Diod. Sic. 4.20.2-3 = Posidon. fr. 163a Theiler) datable to the years immediately after the arbitral sentence was drawn up, describing how a Ligurian woman gave birth to her child while working in the fields.

structures capable of providing a stable base on which to build its control of the surrounding territories.

On the other hand, the great attraction exerted upon autochthonous populations[368] by the Roman 'model' must have been rooted in this very process of "humanisation" of the environment.[369] This system was inevitably based on the creation (or optimisation) of a functional and systematic cooperation between city and territory[370] that met both technical and political needs. In the first case, this involved creating the infrastructural instruments necessary for the community to survive, in the latter, it meant constructing a civic (self)awareness that would allow its inhabitants to perceive themselves as members of a *societas* organised according to a gentilitial structure.

Roman expansion, both within and outside the Italic peninsula, was inevitably based on the concept of 'city' intended as a "nucleo organizzativo e di adeguata razionalizzazione della vita degli uomini".[371] However, the urban fabric underlying the *imperium populi romani* that led Capogrossi Colognesi to refer to a "municipal empire"[372] resulted in a legal vision of the relationship with civic centres that cannot be interpreted by applying modern concepts of 'local autonomy' with regard to 'centrally-exercised' state sovereignty.

According to the Roman mindset the concept of *imperium*[373] was a concrete *unicum* that was unified and had a "universal (spatial and temporal) vocation" that could only be achieved through the application of legal instruments that "tendono a non imporre una omologazione giuridica, culturale e religiosa dall'alto, ma ad una condivisione" within a Roman project.[374]

This key element of Roman legal culture not only does away with the need to postulate the presence of a specific clause linked to recourse to arbitration within the single *foedera* drawn up with

[368] Gabba 1972, pp. 88-93.

[369] Foraboschi 1992, p. 125.

[370] According to Gabba, this is the principal function of centuriation. See Gabba 1985.

[371] Cardilli 2015, p. 102.

[372] Capogrossi Colognesi 2004.

[373] Catalano 2000.

[374] Cardilli 2015, p. 90 and p. 102.

civitates and *nomina* but also helps to explain why relationships between Rome and the Italic and Cisalpine communities should be considered in the sphere of Rome's 'international' relations.

As clarified by Lobrano, the Roman Republic is a form of government that is capable of going beyond the dimension of *civitas* – unlike in Greece – and, as an expression of *concilia hominum*, doing so without renouncing it:[375]

> *nihil est enim illi principi deo, qui omnem mundum regit, quod quidem in terris fiat acceptius, quam concilia coetusque hominum iure sociati, quae civitates appellantur; harum rectores et conservatores hinc profecti huc revertuntur*.

In fact:[376]

> *'Est igitur', inquit AFRICANUS, 'res publica|res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus. eius autem prima causa coëundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregatio; non est enim singulare nec solivagum genus hoc* [...]*'*

Leaving aside whether we accept the Aristotelian interpretation – among all men there is a natural impulse towards association, and every association is formed with a view to some good purpose[377] – or whether we prefer the Epicurean view of human society as the result of a social pact drawn up between humans to compensate for their natural weakness,[378] the founding idea of the

[375] Cic. *Rep.* 6.13.13: "To that supreme god who rules the universe nothing (or at least nothing that happens on earth) is more welcome than those companies and communities of people linked together by justice that are called states. Their rulers and saviours set out from this place, and to this they return".

[376] Cic. *Rep.* 1.25.39: "Scipio: Well then, a republic is the property of the public but a public is not every kind of human gathering, congregating in any manner, but a numerous gathering brought together by legal consent and community of interest. The primary reason for its coming together is not so much weakness as a sort of innate desire on the part of human beings to form communities. For our species is not made up of solitary individuals or lonely wanderers. From birth it is of such a kind that, even when it possesses abundant amounts of every commodity [...]".

[377] Ar. *Pol.* 1.1252a1-7e; 1.1253a7-8; 3.1280a31-34; 7.1328a35-1328a2.

[378] Lucr. 5.1019 ff. Cf. anche Plat. *Prot.* 322a-b; *Rep.* 369b; *Leg.* 678e; Polyb. 4.5.7.

Roman Republic is that of a political body involving the *populus* by virtue of its collective rather than its political nature, organised on the basis of *consensus iuris* and *communio utilitatis*.

In Cicero's vision of Roman thought,[379] both *populus* and *civitas* are essentially *societates*. In other words, they are legal entities that can be defined as such because they stem from a consensual relationship involving both the attainment of the common interest and an agreement to submit to the law. Despite its marked idealism, this late Republican concept represents an attempt by the Roman authority – ongoing for some centuries – to view the sum of human relations from the angle of the idea of *societas* with the aim of promoting the "complesso percorso volitivo di ciascuno e di tutti i cittadini verso la *singulorum utilitas* attraverso la *communio utilitatis*".[380] Underpinning the evolution of the Republican world towards a *societas*-oriented reality was the *foedus*, which was the founding principle of the *societas* formed by the *populus*,[381] between patricians and plebeians,[382] and between Rome and other entities.[383]

The meta-historical concept – regarding both the spatial and institutional context – expressed by the syntagma *civitas augescens*[384] already existed in the regal period and was mainly realised by promoting a marked "horizontal and vertical territorial mobility" that was not always a painless process.[385] The main instrument used to legally achieve this mobility was the *foedus*, which was capable of elevating the relationship between *societates* within a single city to the dimension of relations between *societates* operating in different cities.

On a practical and logistical level (the management of power and creation of the necessary infrastructures, respectively), it is clear that such a concept could only be fully achieved through the recognition of two elements:

379 For the evolution of Cicero's vision, see Grilli 2005.
380 Lobrano 2004, p. 5.
381 Cic. *pro Balb.* 13.3.
382 Liv. 2.33.1; 4.6.7.
383 Cic. *pro Balb.* 13.31.
384 *Dig.* 1.2.2.8. Vd. Baccari 1995.
385 Calore 2018, p. 39.

– the necessary 'concerted action' of the *ordines*: in the same way that a "concordance of different sounds" must be maintained in a concert of harps and flutes in order to obtain a "proportional unison" translating into harmony, so a balanced relationship must be maintained between the different social classes to obtain *concordia*, *artissimum atque optimum omni in re publica vinculum incolumitatis*.[386] As a *pactum*, the latter can only come into being through *iustitia*, explaining why the interventions of the Roman Senate in the field of intermediation might appear ambiguous. It seems that, in order to maintain a balance between the very different interests involved (those of the allied/peaceful communities, those of the competition between magistrates, and, last but not least, those of the assembly itself as an expression of a part of the *civitas*), Rome's actions tended to be governed by the principle of moderation, as suggested by Cicero's musical metaphor: *leniter atque placide fides, non vi et impetu, concuti debere*;
– the urgent need to guarantee the safety of the communication routes initially developed as means of military penetration but soon transformed into instruments 'propagating' the *imperium populi romani*. By virtue of their intrinsic dual functionality, they could combine the role of vehicle of Roman hegemony with that of stimulus revitalising local realities.

The dichotomy between *municipium* and *foedus* expressing internal or 'international' dynamics perceived as oppositive did not arise in this context because both cases involve a dynamic of symmetrical or asymmetrical reciprocity basically based on *fides*, the instrument of *iustitia* defending every *societas hominum*.[387]

V. C.

[386] Cic. *Rep.* 2.42.69.
[387] Cic. *Off.* 1.15. See Scolari 2016, p. 112; Falcone 2013, p. 272.

4.
THE ROLE OF THE ROMAN SENATE AND ITS FUNCTION AS *ARBITER* WITHIN BORDER DISPUTES IN THE ITALIC TERRITORY

Quid est arbiter? Medius ad componendam causam. Nonne inimici eramus Dei, et malam causam habebamus adversus Deum? Quis finiret causam istam malam, nisi ille medius arbiter, qui nisi veniret, misericordiae perierat iter? De quo Apostolus dicit, Unus enim Deus et mediator Dei et hominum, homo Christus Jesus.
(Aug. *Exp. in Psalmos* 103.4.8)

Over a century would pass between the first documented cases of centuriation and the decemviral legislation. The long gap suggests that this huge advance in the tangible administration of the territory, along with the *limitatio* and the complex gromatic procedures accompanying it, was the result of a lengthy process. Many years earlier, legislation was introduced to regulate a body of private juridical relations, guiding the intertwining of the various rights of the individual on the basis of the construction of an orderly agrarian landscape. The gradual transformation of these juridical rules into a material reality was the first expression of a form of unitary organisation that gradually spread until it gave rise to a collective project going beyond the regulation of mere individual conflicts of interest.

As time passed, the expansion of Roman territorial supremacy was accompanied by amendments that not only impacted juridical and institutional systems but also affected the material image of the conquered territory, which was subjected, at least in part, to that singular 'reduction to geometrical forms' known as *limitatio*.[388] During this process, most of the lands 'of Rome' were

[388] Frontin. *Lim.* p. 27, 13-14 L. = p. 10, 20-21 Th.: *Limitum prima origo, sicut Varro descripsit, a disciplina etrusca*. The *corpus* of *Gromatici Veteres* contains evidence that the theory and practice of the Roman *limitatio* – in other words, the science of the division of agricultural land also known as centuriation – was determined by a fixed series of ritual operations carried out by augurs (*posita auspicaliter groma*) and *agrimensores*, following a tradition rooted in the 'Etrusca Disciplina' (Gabba 1984, p. 21; Gabba 1985, pp. 267-268). The passages by Frontinus (Fron-

reorganised on a rational basis according to the regular numbers and uniform measurements typical of centuriation. The resulting landscape would become consolidated in time, leaving traces, at legal level, in the foundation charters of colonies reiterating the inviolability and unlimited, uninterrupted duration of the road systems, above all.[389] The two domains of the road system – the local dimension that was the responsibility of private individuals and of minor structures and the public dimension so meticulously managed and controlled by the Roman authorities, by the Senate, above all – express the close relationship between the rural environment and urban centres whose layout was in turn regulated by the same geometric rules imposed upon the centuriated territory surrounding them, with a road network based on the regular grid of *limites*.

As Capogrossi Colognesi has so rightly pointed out, "trovava in ciò il suo punto di massima evidenza – anche a livello simbolico – il dominio sulla natura e la sua 'romanizzazione', parallela a quella dei popoli e degli abitanti della penisola".[390]

'Unity in diversity', the official motto of the European Union, is an equally apt maxim for Rome, which would, however, adopted it to very different ends. Diversity means wealth and there is safety in unity.[391] A constant, pressing issue in our contemporary world – for which a plethora of sometimes contradictory solutions has been proposed – regards the problem of identity and integration of people from a different ethnicity or religion to that of the group which they are joining for various reasons (political, economic, social, among others).

The Roman world's attitude to foreigners – and vice-versa – was diametrically opposed to that of the Greek world whose self-perception as a unity of language, customs, and 'blood' pre-

tin. *de agr. qual*. p. 1, 3-5 L. = p. 1, 3-5 Th.) and Hyginus Gromaticus (Hyg. Grom. *de limit. const*. p. 170, 12-16 L. = p. 135, 10-14 Th.) contained in the collection refer explicitly to these origins, also mentioning that the procedures for the definition of *cardus* and *decumanus* carried out by the Etruscan haruspices and Roman land-surveyors were identical. Cf. Castagnoli 1968, pp. 119-121.

389 Cf. Corsi 2000; Basso 2007; Basso, Zanini 2016; Faoro 2018, pp. 118-123. See more recently Coarelli 2019, pp. 415-432.

390 Capogrossi Colognesi 2016, p. 89.

391 Rosina 2007, p. 79.

vented the integration of 'the other, the diverse'. Rome did not hinder but rather facilitated the influx and integration of people from multiple ethnicities, adopting different approaches over time and adapting to their places of origin, revealing a unique capacity to absorb different populations into its *civitas*. This gave rise to that marvellous process of 'Romanisation' made possible not only by Rome's sagacity and administrative capacity but also by the generous autonomy that it conceded to urban centres with a consolidated 'civic' tradition. Rather than upsetting existing social equilibria, Rome sought instead to involve prominent local figures and promote their careers, the amenities and fascination of the Latin culture, the possibility of accessing Mediterranean trade routes and of benefitting from the greater economic opportunities granted to those admitted to the Roman territory. We can argue without fear of contradiction that the Romans offered those foreign communities the opportunity to ascend to a higher culture, convincing them that the benefits of accepting outweighed the disadvantages, sacrifices, and losses involved in this process.

> Così, nella progressiva espansione politico istituzionale dell'Urbe in tutto il territorio della Penisola e nelle forme organizzative adottate per le popolazioni sottoposte, costante fu il riferimento a questo modello. La fondazione di colonie, la promozione di municipi ne sono la principale, ma non l'unica manifestazione. L'attenzione romana per la figura della città si coglie molto bene proprio nel caso in cui particolari motivi ispirarono una opposta politica, dove la massima sanzione irrogata a una comunità appare appunto la sua cancellazione come città, quasi la soppressione di un organismo vivente. Così nel caso di Capua, punita in modo esemplare dopo la sua defezione ad Annibale; il senato romano, avendola privata del suo territorio, le tolse 'le magistrature, il senato, l'assemblea pubblica', oltre a ogni altra *imaginem rei publicae*: l'idea e i simboli cioé della comunità politica cittadina.
>
> Anche dove, come nel mondo sannita, le forme di insediamento prevalenti si collegavano più a strutture sparse o a villaggi, i Romani cercarono, in linea di massima, di identificare un elemento, magari il villaggio potenzialmente più 'promettente', da trasformare in una piccola città e quindi in

> centro municipale a cui agganciare in forma subalterna le altre strutture territoriali (villaggi, mercati rurali, piccoli santuari circondati da abitati ecc.).[392]

However, this approach represents only one facet of the complex impact that Rome had upon the Italic peninsula, from the final decades of the fourth century BC onwards. We should remember that the vast extension of the fully Romanised territory underpinned by the colonial and municipal systems also comprised centres qualifying as minor in terms of their territorial profile and organisational set-up. This was especially true in areas with slower or less substantial urbanisation processes characterised by forms of minor settlement such as *fora*, *conciliabula*, *pagi*, or *vici*.[393] Such areas lay within and made reference to the *ager Romanus*; they had varying degrees of autonomy and were controlled and coordinated by the Roman magistrates, the *praefecti iure dicundo* who had jurisdiction over their inhabitants, the majority of whom were Roman citizens.

As their old allies were gradually absorbed within the Roman political system, Rome forged a multitude of new alliances with various Italic populations and cities during their rapid expansion. It continued to contract *foedera*, or treaties of alliance, with sovereign subjects, some of which sanctioned their formal political subordination to Rome (*foedus iniquum*), others maintaining a merely formal appearance of an alliance between equals (*foedus aequum*).

> Il fatto che tra gli impegni reciproci assunti tra le parti vi fosse l'obbligo di aiutare l'alleato in caso di guerra era ed è la vera chiave di lettura di questi trattati, soprattutto di quelli formalmente paritetici. Giacché mai queste piccole città, queste comunità minori, sovente interamente circondate da territori romani, sarebbero state in grado di scatenare in modo autonomo una guerra, mentre, al contrario, le guerre le faceva in continuazione l'altro alleato, Roma. E a Roma gli innumerevoli alleati italici – che dal termine *societas*, utilizzato a indicare l'alleanza internazionale, prendevano il nome di *socii* dei

[392] Capogrossi Colognesi 2009, pp. 116-117. Cf. Zecchini 2007, pp. 39-54.

[393] Capogrossi Colognesi 2012, pp. 193-227; Todisco 2012; cf. also: Brogiolo 2018, pp. 26-30.

> Romani – dovevano quindi fornire supporto in termini di risorse materiali e di uomini, secondo criteri predeterminati e attentamente controllati da Roma. Che così moltiplicava la sua forza militare per nuove conquiste, per nuove vittorie sancite da nuove alleanze subalterne.[394]

Let us go back to the meaning of Romanisation, which has been the focus of one of the liveliest debates that the scientific community has witnessed over the recent decades. Every possible point of view, every critical aspect or weakness of this concept has been subjected to close scrutiny. Some historians have gone as far as to abolish the use of the term, which they believe to be inadequate and/or misleading.

Given the inadequate, fragmentary nature of the documentation available[395] we can only reconstruct the complex, heterogenous process of Romanisation of the Italic world in broad strokes, with reference to just a few specific episodes. The process was closely linked to the encounter between the expanding Roman culture and the different realities in the Italic peninsula, which inevitably was very different to the encounter between Rome and the cultures north of the Alps, which is so frequently at the heart of the theoretical debate on Romanisation.[396] But it is possible that these two processes are too distant to be compared: not only do they involve very different cultures, but Rome underwent significant changes between the time of its expansion in Italy and the moment when it 'crossed' the borders of the peninsula. In fact, Mazzarino's words are still relevant in reminding us that it is less a matter of Roman or Italic priority than of[397]

> una comune cultura italica ed un corrispondente comune travaglio costituzionale in cui innovazioni ed esigenze di una città etrusca, latina od osca non restano senza eco negli stati vicini ed anzi spontaneamente si affermano, determinate da analoghi presupposti e condizioni.

[394] Capogrossi Colognesi 2009, p. 118.

[395] For the Italic inscriptions, see the fundamental works by Vetter 1953; Poccetti 1979; Marinetti 1985; Prosdocimi 1984.

[396] Cf. Woolf 1998; Keay, Terrenato 2001; Tarpin 2016, pp. 183-200.

[397] Mazzarino 1945, p. 175. Cf. Petraccia 1988, p. 332.

It is hard to establish the precise beginning because, since ancient times, both Rome and the Italic peoples belonged to a cultural *koine* extending through most of central and southern Italy in which Rome played a role that was far from hegemonic in the archaic period. The transition from polycentric *koine* to Roman hegemony should not be seen, therefore, as the sudden transmission of cultural elements from Rome but rather as the gradual intensification of Roman cultural flows towards the Italic world accompanied by a virtual standstill of the old flows in the opposite direction. The groundwork for this change was laid in the fifth century BC when Rome's military, political, and juridical structures began to reveal their superiority to the equivalent Italic structures. The capacity to develop precise forms of self-representation is one of the most common strategic expedients used by rising powers and appears to have been a constant concern for the Roman State from the very start. Already aware that 'propaganda' becomes irreparably damaged whenever something shouted from the rooftops is not borne out by reality, Romans took care to use an image constructed in time that was the result of a precise plan enacted consistently despite the differences between the various political arenas. Rome always sought to represent itself as a power that could be trusted. The meticulous care taken by the Republic to appear generous with its 'friends', ruthless with its enemies, faithful to allied powers, moderate in imposing a peace that would not prove humiliating, tough on minor powers that had yet to be subdued – the third face of Roman diplomacy, in other words – reveals its wish to seek this equilibrium at any cost.[398]

One particularly effective instrument used by Rome to 'Romanise' Italy was the linguistic Latinisation of the peninsula, which was set in motion once this expanding political and economic power became a pole of attraction for local cultures, which entered the Roman orbit, drawing upon its cultural and linguistic models long before becoming absorbed by Rome.[399] Obviously, this was not a straightforward process. As their military and political subjection intensified, the Italic peoples, aware of the illusory nature of their freedom, reacted with the 'sussultatory' wish to either

[398] Vacanti 2008-2009, pp. 212-219.

[399] Marinetti 2000, pp. 61-79; Marinetti 2008, p. 147.

preserve or win back their independence – although such opposition was never continuous or coherent – leading the Umbrians to fight beside the Gauls in the Third Samnite War[400] and many Oscan peoples to join Hannibal.[401] As far as the Umbrian area is concerned, it is likely that the process of Romanisation was facilitated, from the third century BC onwards, by the foundation of the colonies of Narni (299 BC) and Spoleto (241 BC) and the presence of the Via Flaminia, which promoted relations with Rome. It was not until the following century, however, that the road network expansion policy was intensified with the construction of the Via Postumia in 148 BC, for example, accompanied by the evident reception of Roman cultural elements. We should underline that even in the final phase there were no interruptions or dramatic breaks in the Romanisation of Umbria, which was a slow and continuous process that only reached completion after the Social War, which did not, in any case, involve the peoples living in this area.[402] The latest Iguvine Tablets (inscribed after 89 BC) reveal the respect, if not the vitality, still enjoyed by traditional cults, ancient forms of association, and, in the religious sphere at least, the native language.[403] This painless transition from one culture to another was also facilitated by the absence of a lively entrepreneurial class (which instead existed in the Oscan world) in Umbria and of the resulting turnover in the administration of power. Campanile has clearly explained the significance, in this respect, of a Latin inscription set up in Assisi by six *marones*, two of whom were called Nero Babrius and Vibius Voisienus;[404] if we accept the hypothesis that these two magistrates were the same two *marones* mentioned in a epigraph written in Umbrian with

[400] Cf. Poccetti 1979, n. 1; Campanile 1990, pp. 305-312.

[401] Cf. Brizzi 2003; Brizzi 2009; Capogrossi Colognesi 2009, pp. 153-155; Capogrossi Colognesi 2014.

[402] Sisani 2006; Sisani 2009.

[403] Prosdocimi 1978a, pp. 585-639; Borgeaud 1982; Prosdocimi 1984; Prosdocimi 2015.

[404] *CIL* XI 5390 cf. p. 1388 = I^2 2112 cf. p. 1080 = *ILS* 5346 = *ILLRP* 550 = *Vetter* 229 = *AE* 1991, 647 = *AE* 1997, 489 = *ERAssisi* 26 = *Raccolte Comunali di Assisi* 2005, pp. 106-107 ad no. 26 (Asdrubali Pentiti) = *EDR* 25340 = *Suppl. It.* XXIII 2006, p. 278 ad no. (Zuddas) = Zuddas 2007, pp. 278-279. Sisani 2006, p. 96, points out that this is the oldest example of the public use of the Latin language in Umbria. See Coarelli 1996. Cf. Bonamente [forthcoming].

the Latin alphabet and inscribed on a boundary stone found near Ospedalicchio (Assisi),[405] both epigraphs should be dated to the mid- or even the first half of the second century BC.[406]

Given the autonomy of the single Oscan centres and the diversity between the cities oriented towards the Tyrrhenian coast and those from the Apennine area or oriented towards the Adriatic we should point out that any claims about acculturation really only apply to the specific community concerned and that significant documents and processes in this regard affect only a limited number of centres.

The Roman cultural model advanced in other spheres. The original native state structure had a single magistracy, the meddicate, flanked by one or two assemblies (popular and/or senatorial[407]). From the second century BC onwards, the titles of Roman magistracies began appearing in the Oscan world but unsystematically, involving the reception of a state structure based on a multitude of magistracies and the relative Roman titles: *quaestor*, *aedilis*, *praetor*, and *censor*. The office of consul was obviously not included given that it would have been derisory and disrespectful to attribute to an 'Italic' magistrate the title of an office whose powers comprised the supreme military command. Consequently, in this particular historical period, eponymy varied from place to place: for example, in Abella the eponymous magistrate was the *kvaistur*,[408]

[405] *CIL* XI 5389 = *Vetter* 236 = *ERAssisi* 25 = *Raccolte Comunali di Assisi* 2005, pp. 76-78 ad no. 2 (Asdrubali Pentiti) = *EDR* 25339 = *Suppl.It.* XXIII 2006, p. 276 ad no. (Zuddas). Cf. Sisani 2012, p. 445.

[406] Petraccia 2019. This hypothesis was first put forward by Bücheler 1883.

[407] In Pompeii, where both were present, they were known by the Oscan terms *kombennio* and *komparakion,* respectively: Sogliano 1937, p. 156; Mazzarino 1945; Sartori 1953, pp. 69-75; Campanile 1979, p. 24. *Contra* Salmon 1967, p. 92, who claims that these were two different terms indicating the same structure, given that the language and lexicon of the inscriptions are identical in both cases. Campanile claims that from a methodological point of view, Salmon's hypothesis is absurd given that "sarebbe come dire che a Roma console e pretore (in avanzata età repubblicana) sono due nomi diversi per la stessa cosa, giacché in una certa iscrizione (*CIL* I^2 736) il console Lutazio Catulo appalta e collauda, per disposizione del senato, una certa opera, così come in un'altra iscrizione (ib. 745) fa il pretore Calpurnio Pisone Frugi: lingua e formulario sono esattamente gli stessi" (Campanile 1979, pp. 24-25 and n. 35).

[408] Mazzarino 1945; Devoto 1951; Sartori 1953; Camporeale 1957; Salmon 1967; Sordi 1969; Campanile 1979, pp. 15-28; Petraccia 1988, pp. 77-78; Tagliamonte 1997; Antonini 2017, pp. 99-105.

in Nola he was known as *meddix*,[409] in Pietrabbondante as *kenzstur*.[410]

The still fundamental studies by Wilamowitz and Gabba on the disappearance of the indigenous culture describes the Italic world being transformed into a kind of suburb of Rome[411]

> che non aveva nemmeno la tragica grandezza delle estreme periferie di un'odierna metropoli, ma che, con le sue illusioni di autogoverno e di libertà civica, suscitava, piuttosto, l'ironia e il disprezzo di chi sapeva bene che piccola e illusoria cosa fossero questo autogoverno e questa libertà: si pensi al magistrato supremo di Fondi che si presenta con tutte le insegne della sua dignità e viene liquidato da Orazio con due parole: *insanus scriba* (s. I, 5, 35).[412]

With regard to this transformation, we should also point out that

> né il pensiero greco classico, né quello ellenistico-romano ebbero un'idea di progresso, che non fosse altresì attenuata e come amareggiata dal ricorrere di un'utopistica ricerca della semplicità primordiale, immaginata come età dell'oro o come fiera *rusticitas* romana.[413]

The scientific community has shown a continuing lively interest in the relationship between public law and Romanisation, especially in the Transpadane area.[414]

In a recent significant contribution, Malnati claims that Roman influence spread widely at political and constitutional level from the second century BC onwards

> anche nei territori a nord del Po non controllati direttamente, spezzando unità territoriali troppo estese e imponendo regimi cittadini che si modellavano sulla repubblica romana, proprio

[409] Mazzarino 1945; Devoto 1951; Sartori 1953; Camporeale 1957; Salmon 1967; Sordi 1969; Campanile 1979, pp. 15-28; Tagliamonte 1997; Antonini 2017, pp. 99-105.

[410] Mazzarino 1945; Camporeale 1956; Salmon 1967; Sordi 1969; La Regina 1976, pp. 283-295; Campanile 1979, pp. 15-28; Tagliamonte 1997.

[411] von Wilamowitz-Maellendorf 1926, pp. 1-9; Gabba 1978, pp. 11-24.

[412] Campanile 1979, p. 28.

[413] Mazzarino 1966, p. 513.

[414] Cf. Bederman 2001.

> nel momento in cui, dopo la seconda guerra punica, questa mostrava segni di una crisi profonda.[415]

The Transpadane region continues to be a key focus of studies into the impact of Romanisation on public law[416] in a territory that had undergone a two-fold conquest. Following in the wake of Luraschi, we may be able to discover the dynamics of this process, to identify the aims – by examining the material evidence – and, finally, to reconstruct the legal and administrative profiles of the communities with which Rome dealt, adapting them to its own institutional customs. When establishing relations with the various local communities encountered, Rome was exclusively guided by political motives, enacted through the legal instrument of the *foedus*. Until at least the early first century BC, the *foedus* was the only way in which *civitates* could be connected to Rome, reinforcing their ties not through imposition but by confiding in their spontaneous desire for imitation both in local government (the magistracy) and town-planning, and leading to a gradual, highly effective integration and to the implementation, according to the apt term coined by Luraschi, of a kind of 'self-Romanisation'.[417]

The federative regime as legal instrument for integration would continue until 89 BC when the granting of the *ius Latii* would lead to "la caducazione del divieto di attribuzione della cittadinanza, che sarebbe stato incompatibile con il *ius civitatis per magistratuum* concesso ai Transpadani dalla c.d. *lex Pompeia*"[418] promulgated by Pompeius Strabo and imposing a uniform constitution based upon the Roman model on the *civitates Transpadanae*. However, it did not oblige these communities to adopt the duoviral system of government typical of effective colonies but allowed them to maintain their indigenous magistracies on the basis of the institution that modern historians have defined as a *colonia latina ficticia*.[419]

[415] Malnati 2011, p. 253.

[416] The term is used very aptly by Lazzarini 2017, p. 9.

[417] Luraschi 1986, pp. 493-516.

[418] Lazzarini 2017, p. 14.

[419] The passage by Asconius in *Pis.* 3 contains our only evidence about the foundation of Latin colonies in the Transpadane territory (although this should

> πρὸς δὲ τούτοις, εἴ τις ἰδιώτης ἢ πόλις τῶν κατὰ τὴν Ἰταλίαν διαλύσεως ἢ καὶ νὴ Δί' ἐπιτιμήσεως ἢ βοηθείας ἢ φυλακῆς προσδεῖται, τούτων πάντων ἐπιμελές ἐστι τῇ συγκλήτῳ. Καὶ μὴν εἰ τῶν ἐκτὸς Ἰταλίας πρός τινας ἐξαποστέλλειν δέοι πρεσβείαν τιν' ἢ διαλύσουσάν τινας ἢ παρακαλέσουσαν ἢ καὶ νὴ Δί' ἐπιτάξουσαν ἢ παραληψομένην ἢ πόλεμον ἐπαγγέλλουσαν. Αὕτη ποιεῖται τὴν πρόνοιαν. ὁμοίως δὲ καὶ τῶν παραγενομένων εἰς Ῥώμην πρεσβειῶν ὡς δέον ἐστὶν ἑκάστοις χρῆσθαι καὶ ὡς δέον ἀποκριθῆναι, πάντα ταῦτα χειρίζεται διὰ τῆς συγκλήτου. Πρὸς δὲ τὸν δῆμον καθάπαξ οὐδέν ἐστι τῶν προειρημένων.[420]

Not only was the federal structure an ancient component of Rome's political legislation, it was the cornerstone upon which Rome would build the edifice of what Polybius describes as the 'perfect constitution'. After joining the Latin confederation by means of a federal pact, thanks to the hegemony that it exercised within it, Rome gradually went from being the confederation's foremost member to becoming the representative of the Latin 'nation'. In the early fifth century BC, when Rome destroyed the confederation, it began its transformation into Italic state, extending its federal relations to other states in the peninsula and reaching the Arnus and Aesis.

While these federal relations did not result in perfect equality between Rome and the other states, instead revealing Roman superiority, they did allow the communities involved to maintain a certain degree of political and administrative autonomy: *suis legibus uti*. This singular status halfway between independ-

be extended to the main urban centres that had yet to be Romanised in Cispadana) in different forms to the previous colonies established and about the granting of *ius Latii* to the inhabitants of such colonies under the law promulgated by Pompeius Strabo. Cf. Lamberti 2010, pp. 227-235; Barbati 2012, pp. 1-44.

[420] Polyb. 6.13.5-7: "Similarly all crimes committed in Italy requiring a public investigation, such as treason, conspiracy, poisoning, or wilful murder, are in the hands of the Senate. Besides, if any individual or state among the Italian allies requires a controversy to be settled, a penalty to be assessed, help or protection to be afforded – all this is the province of the Senate. Or again, outside Italy, if it is necessary to send an embassy to reconcile warring communities, or to remind them of their duty, or sometimes to impose requisitions upon them, or to receive their submission, or finally to proclaim war against them – this too is the business of the Senate. In like manner the reception to be given to foreign ambassadors in Rome, and the answers to be returned to them, are decided by the Senate. With such business the people have nothing to do".

ence and subjection making Rome the political and military hub of the allied peoples was mirrored by its action undertaken in disputes between these peoples, which law doctrine referred to as arbitration[421] and lay halfway between a straightforward act of governance and a form of conduct belonging to the political and diplomatic sphere. As a result, whenever disputes flared up between cities placed under the 'protective mantle' of Rome – especially during the period of the Latin League – Rome would be legally designated to settle them and the aforementioned centres could not call upon any other states to do so without infringing the hegemony of the Romans; in fact, the arbitrating judges in the known disputes are all Roman. We should remember that such actions were no mere acts of mediation but an organic function of hegemonic power that recognised the supreme federal jurisdiction of Rome. The hybridism underpinning the entire institution of *arbitratus* certainly emerged more strongly here than in any other form of arbitration. A consequence of the ambiguous status of these cities, which were neither wholly independent nor completely dependent, it did not diminish the formal character of *arbitratus* distinguishing this process. Eventual doubts regard whether it should be considered as an implicit consequence of Roman hegemony or a right sanctioned in the single *foedera*. Dionysius of Halicarnassus goes into great detail about the treaty between Rome and the cities of the Latin League, which was renewed under Servius Tullius, the penultimate king of Rome, and which he had seen inscribed on bronze tablets contained in the Sanctuary of Diana on the Aventine Hill.[422] He

[421] The oldest known federal dispute was between Aricia and Ardea (both allies of Rome as well as *socii*, as Livy defined them (3.71-72; cf. Dion. Hal. *Ant. Rom.* 11.52). This was a period in which cities sought to expand, attacking their neighbours and being attacked by them, documented by Dionysius of Halicarnassus (6.29-33), Strabo (5.3-12), and Livy (3.71). Ardea and Aricia were two such cities and their dispute broke out with regard to the ownership of the territory of Corioli (507-506 BC). After the legates from the two cities had pleaded their cause and brought forward their witnesses before the Roman people, the matter was settled by means of an arbitral judgement issued by Rome, which, without wasting any time and aware of its strength, occupied Corioli (the object of contention), destroying the city in 491 BC, thus gaining access to the Pontine Plain. Cf. Bignardi 1984.

[422] Dion. Hal. *Ant. Rom.* 4.25-26.

notes in particular the purpose and arbitral character of the pact, intended to promote peace and good relationships between the single states in Latium just as the amphictyonies[423] and similar institutions did in Greece; the king of Rome, in agreement with the representatives of these states, would draw up the conditions of the pact. Without going so far as to say that his mention of Greek institutions and customs was a historical reminiscence by the writer, we might well accept that he read something in that pact that brought those memories to mind. It is not so unlikely that as long as there was a Latin confederation and a federal diet in which Rome would certainly have participated,[424] Rome would have exercised arbitral jurisdiction under a mandate issued by this diet.

To sum up, when disputes between the cities of the league threatened the peace and order of the Roman state, Rome's right to be considered supreme arbitrator to all intents and purposes became as natural as it was indisputable.

In the second century BC, in the space of just a few decades, Rome ascended to a position of absolute 'international' prestige, acquiring an influence and power transforming it into the hub and focal point of a new 'international' equilibrium dominated by the Republic: this process took place both in territories on the shores of the eastern Mediterranean and on Italic soil, which still bore the open wounds of the Second Punic War, triggering a desire and need for political and diplomatic change in Rome despite the inescapable fears of the unknown consequences. Given this scenario it is almost natural to underline the *sui generis* nature of the arbitral role 'invented' by Rome and assumed by the Senate, due to the position of undeniable superiority that Rome had now attained with respect to its interlocutors.

The second century BC, which was dramatic in many respects, witnessed the full scope of Roman imperialism or, rather, of the imperialism of the Roman Senate. In fact, this institution was responsible for settling a huge number of disputes dating to this historic phase[425] and which this book undertakes to analyse. From

[423] Cf. Westermann 1907, p. 210.

[424] Liv. 1.50-51; Dion. Hal. *Ant. Rom.* 4.45-48; 5.50.

[425] Astin 1989, pp. 1-16; Gabba 1990b, pp. 189-233.

the early decades of the second century onwards, Rome began to appear in the role of *arbiter* in a series of territorial disputes (both in the East and on Italic soil) that intensified around mid-century. We should point out however that Rome's approach was initially rather "minimalist" and it made no attempts to develop a detailed policy for arbitral intervention although it is possible to recognise a number of constants in Rome's behaviour and situations that would re-occur in later periods and that would soon lead to a precise legal definition of the concept of arbitration. After Pydna (168 BC) especially – but already after Apamea (188 BC) – all of the 'actors' on the international political stage were quite aware of who was pulling the strings. In fact, Greek States seeking to pursue an autonomous foreign policy did so at grave risk to themselves (as exemplified by the destruction of Corinth in 146 BC and the dissolution of the Achaean League).[426]

> Già in precedenza, in realtà, Roma era stata chiamata in causa dagli stati greci per questioni di dissidi locali, per lo più territoriali. Infatti, nei negoziati di pace successivi alla seconda guerra macedonica, le *poleis* greche, per sostenere le proprie rivendicazioni territoriali, si erano rivolte al Senato, il quale aveva affidato alla commissione dei *decem legati* il compito di occuparsi delle varie dispute nel contesto degli 'aggiustamenti' territoriali successivi alla guerra. Quindi più che come veri e propri casi di arbitrato interstatale alla maniera greca, le decisioni assunte dai legati romani a Corinto vanno considerate come parte dell'opera di riorganizzazione e sistemazione postbellica della Grecia, e nell'ambito di tale opera vanno inserite.[427]

In a different way, in the wake of Apamea and the various peace treaties after the Roman-Syrian War, numerous cities in the Greek world called upon the Roman Senate to handle and settle their disputes. As we have seen, Rome responded in a highly innovative manner with respect to the experience familiar to the *poleis*, by exploiting its position as a *sui generis* hegemonic power as well as by drawing upon its juridical experience.

[426] Camia 2009, p. 213 and n. 570.
[427] Camia 2009, p. 171 and nn. 453-455.

Compared to the practices dating to the late Republican period, the early imperial age caused further changes to take place in the arbitral (in the technical sense of the term) role exercised by the Roman Senate in territorial disputes and represented an attempt by Rome to construct a world in which every community could experience the benevolent supervision of the central power, calling upon it for protection in the event that it was a victim of injustice.[428]

M. F. P.

[428] Cf. Compatangelo-Soussignan 2011, p. 63 and n. 83.

5.

THE CIPPUS ABELLANUS AND THE DISPUTE BETWEEN TWO CAMPANIAN COMMUNITIES

L'eguaglianza venne: ma non strappata dai socii vittoriosi a Roma battuta, bensì concessa da Roma trionfante ai socii sconfitti. Roma nella sconfitta nulla mai concesse, tutto o molto donò nella vittoria: ed anche questa era *maiestas*, perché rimaneva intatta la superiorità dell'Urbe. (Sartori 1963, p. 162)

Fig. 1
The Cippus Abellanus, currently preserved in the Archiepiscopal Seminary of Nola [graphic reproduction by Morandi 1982].

Side A

Maio Vestricio Mai. f. Stati n. / stirpe Suerroni, quaesto- / ri Abellano, (§) *et Maio / Luceio Mai. f. Puclato, / meddici decemvirali Nola- / no, et legatís Abellanis / et legatís Nolanis / qui senatus sententia / sui utrique legati / erant, ita convenit* (§) [*de*] / *Templo Herculis ad / campum quod est, et* (*de*) *fundo / qui ad id templum est, / quod intra termina ex*[*polita*] / *est, quae termina communi / sententia probata sunt* [*recturae*] / *causa, ut id templum / et is fundus res communis / in communi territorio esset, et / eius templi et / fundi fructus / communis utrorumque / esset.* (§) *At Nolan*[*orum es-*] / [*to in*] *Herculis te*[*mplo do-*] / [*norum quid*] *quid Nolan*[*i de*] / [*suo ibi posuerint, item Abel-*] / [*lanorum esto in Herculis*] / [*templo donorum quidquid*] / [*Abellani de suo ibi posuerint.*]

Italian translation (La Regina 2000, p. 221)

Da parte di Maio Vestricio Suerrone figlio di Maio, nipote di Stazio, questore abellano, e da parte di Maio Lucceio Puclato figlio di Maio, decemviro nolano, e da parte dei legati abellani e dei legati nolani, i quali sono stati designati per decisione del proprio senato (1-10), si convenne (10) in merito al santuario di Ercole che è presso il mercato (10-12), e in merito al terreno che è presso quel santuario, il quale è incluso entro i cippi terminali levigati (ossia nell'agro limitato) (12-15), approvati con deliberazione comune per la delimitazione dell'agro (15-17): che quel santuario e che quel terreno fossero cosa comune in territorio comune (17-19), e che i profitti derivanti da quel santuario e dal terreno fossero di beneficio comune (19-23); ma sia di proprietà dei Nolani [qualunque dono posto nel] tempio di Ercole dai Nolani [a proprie spese; parimenti sia di proprietà degli Abellani qualunque dono ivi posto dagli Abellani a proprie spese] (23-29);

English translation (Crawford II 2011, pp. 887-892)

By Maius Vestricius, son of Mai., grandson of Sta., *prukupid sverruneí*, Abellan quaestor, and Maius Lucceius, son of Mai., *pukalatúi*, Nolan *medís deketatis* (*meddix* of the tithes), and the Abellan ambassadors and the Nolan ambassadors, who by decision of their senate each had become ambassadors, it was agreed as follows; that, as for sanctuary of Hercules which is beside the *slaags*, and the land which is beside that sanctuary, whatever is between the outer boundary-markers, which boundary-markers were set up by joint decision, [*recta*] *causa*, that sanctuary and that land should be jointly-held in jointly-held land, [and] the revenue of that sanctuary [and] land should be joint [revenue] of both. But (for) [who is] of the Nolani, the temple of Hercules [is to be –? – and] anyone from Nola [in that –? –], which building is??? [–? –]

Side B

Item [*si quid iùdem ibi*] / *aedifica*[*re volent usque ad*] / *limitu*[*m*] *maceriam,* [*ubi*] / *Herculis fanum medium* / *est, extra parietes qui* / *Herculis fanum circumdant* / *usque ad viam porticibus,* / *quae ibi est iuxta campum,* / *senatus sui senten-* / *tia aedificare li-* / *ceto.* (§) *Et id aedi-* / *ficium quod Nolani* / *aedificaverint et* / *usus Nolanorum esto.* / *Item si quid Abellani* / *aedificaverint id aedi-* / *ficium et usus* / *Abellanorum esto.* (§) *At* / *pone parietes qui aedem circum-* / *dant in eo spatio nec Abel-* / *lani nec Nolani quicquam* / *aedificent.* (§) *At the-* / *saurum quod in eo spatio est* / *quando aperirent communi sen-* / *tentia aperirent; etenim quod in eo* / *thesauro quodcumque exstet* / *portìonum alteram alteri* / *acciperent.* (§) *At intra campum* / *Abellanùm et Nolanum* / *ubique via circumcurrens est pedum x*[*II*?]. / *In ea via media termi-* / *na stant.*

Italian translation (La Regina 2000, p. 221)

parimenti, se essi vorranno costruire alcunché verso la maceria dei limiti (della divisione agraria), dei quali il tempio di Ercole occupa lo spazio centrale, al di fuori delle pareti che circondano con portici il tempio di Ercole, fino alla strada che in quel punto costeggia il mercato, ciascuno per decisione del proprio senato abbia facoltà di costruire (1-10); l'edificio che i Nolani avranno costruito e il suo uso siano dei Nolani (11-14); parimenti se qualcosa gli Abellani avranno costruito quell'edificio e il relativo uso siano degli Abellani (15-18); ma nello spazio entro il perimetro dei muri che circondano il tempio né gli Abellani né i Nolani costruiscano alcunché (18-22); e quando debbano aprire il tesoro che si trova in quello spazio, lo facciano per decisione comune, e qualunque cosa si trovi in quel tesoro la dividano in parti uguali (22-28); e all'interno del mercato abellano e nolano vi è una strada perimetrale di 10 [+?] piedi (di larghezza): i cippi della limitazione agraria sono posti a metà strada (28-32).

English translation (Crawford II 2011, pp. 887-892)

Likewise [if the same shall wish] to build [anything up to] the ??? of the boundaries [where] the temple of Hercules is in the middle, outside the walls which surround the temple of Hercules, which lie beyond the road, which is there, within the *slaags* it is to be lawful by decision of their senate to build. And that building which the Nolani shall have built and its use is to be of the Nolani. Likewise whatever the Abellani shall have built, that building and its use is to be of the Abellani. But within the walls which surround the temple, in that land neither the Abellani nor the Nolani are to build anything. But (it was agreed that) the *thesaurus* which is in that land, when they open it they are to open it by joint decision, and whatever is ever in that *thesaurus* they are each to take one of (the two) shares. But between the Abellan and the Nolan *slaags*, the surrounding road is all around of 10 feet. At the mid-point of that road boundary-markers stand.

As we have seen in the first section of this study, the Roman world was particularly concerned with the definition of boundaries and a considerable glossary of terms attests to the importance of distinguishing between different territorial environments. On occasion, boundary markers would be set up in the wake of a dispute in which the Roman authorities were called upon to intervene as arbitrators;[429] nevertheless, the need to demarcate parcels of territory by means of *cippi* was an issue that did not concern Rome only – in particular at the time of the Gracchan legislation regulating the delimitation of the Roman territory and the consequent fine-tuning of the cadastral instrument, all of which clearly reveal Rome's huge capacity to adapt to differing local situations; the first centuriations are attested in the Italic peninsula from the third century BC onwards, both in the north and centre, following the annexation of the *ager Gallicus*, of Picenum, and the confiscation of the lands belonging to the Senones expelled *en masse*, as well as in the south following the defeat of the Lucanians in 282 BC followed by the Tarentine treaty, which would mark the definitive annexation to Rome of all of southern Italy.[430]

The Cippus Abellanus is a seminal document that can be dated to between the end of the third century BC and the early second century BC,[431] or the so-called Osco-Roman period, when Rome's influence began to make itself felt more strongly throughout the south of Italy in general, and in the Campanian area in particular, in the prelude to full Romanisation, which would come about at the start of the first century BC, after the Social War.[432]

[429] Scuderi 1991a, p. 371.

[430] Clavel-Lévêque 1987, pp. 13-16.

[431] According to Sartori 1953, p. 152 and n. 9; Pulgram 1960, pp. 16-29; La Rocca 1971, p. 64; Prosdocimi 1980, pp. 430-436; Morandi 1982, pp. 12-16; Laffi 1983, p. 67; Petraccia 1988, pp. 77-78; Compatangelo-Soussignan 2011, p. 62: *Contra* Franchi De Bellis 1988, pp. 33-34; Scuderi 1991a, p. 387; Scuderi 1991c, p. 42; La Regina 2000, p. 214; Crawford 2011, pp. 887-892; Antonini 2015, p. 53, who hold it to be post-Gracchan (end of second century BC); Antonini 2017, pp. 99-105.

[432] Sartori 1953, p. 152; Petraccia 1988, p. 78. According to tradition there were three federations: the Campanian federation headed by Capua, the Nucerian federation and the Nolan federation comprising Nola and Abella in addition to some minor centres.

The Cippus is a boundary stone (whose studies are 'weighed down' by countless doubts and few certainties) bearing an inscription of an Oscan text describing an agreement[433] between Abella[434] and Nola,[435] concerning three constituent parts: a sanctuary, the land surrounding the sanctuary (lying within an *ager* previously limited by *communi sententia* issued by the respective senates of the cities concerned), and a road[436] lying on the boundary between the two territories and the *ager* in which the sanctuary was located.[437] The Cippus states that the *ligatús* (= *legates*) charged with assisting the magistrates of the respective communities in the definition of the agreement were appointed both in Abella and in Nola by means of *senateís tanginúd* (= *senatus sententia*).[438]

The re-arrangement of this important sacred area, the site of a shared cult, inevitably extended to the surrounding territory, involving a kind of updated cadastral survey of the area where

[433] According to Cinquantaquattro 2013, p. 25, it was a proper treaty stipulated by the *quaestor* of Abella and the *medìs deketasiis* of Nola.

[434] Until the Social War, Abella maintained its own system of laws and was federated with Rome, like nearby Nola. After the Social War, it became a *municipium optimo iure* and was set on fire by the inhabitants of Nola in 87 BC, as reported by Granius Licinianus (Gran. Licin. 35, p. 20, 8 Flemisch); cf. Sartori 1953, pp. 151-154.

[435] Nola remained a federated city with its own magistracies until the Social War, a clear sign of autonomy if not of political independence (Liv. 9.28.1-6; Diod. Sic. 19.101.3 in which he mentions that Rome imposed a *foedus*. Luraschi's volume of 1979 remains fundamental). After the Social War, Nola, like Abella, became a *municipium* (Fest. s.v. *municipium*, p. 155 L.; cf. Sartori 1953, pp. 148-150).

[436] A plan of the area can be found in Crawford 2011, p. 892.

[437] La Regina 2000, pp. 219-222, believes that it is unlikely that the land on which the sanctuary was built and which is owned by neither Nola nor Abella is "identificabile con una *silva* o con un *ager compascuus*, perché l'uso che ne viene fatto nel testo indica qualcosa di ben determinato come riferimento puntuale, e non un ambito territoriale di grande estensione, per il quale sarebbe privo di senso il richiamo alla strada che compare in B 28-30 [...] qui indica dunque un'area che doveva avere una destinazione funzionale specifica, forse per un mercato rurale, per una fiera. In relazione agli obblighi daziarii i mercati con le strade che li interessavano erano delimitati da cippi". Cf. the livestock market at Alba Fucens, a large rectangular space containing the Temple of Hercules and adjoining the Via Valeria. *Contra* Antonini 2015, p. 113 n. 112.

[438] According to Laffi 1983, p. 52, the appointment of legati confirms that control of international relations was among the prerogatives of the senates of allied cities. Cf. Campanile 1979, p. 22.

the sanctuary was located and a review of the property acts of the leases of the relative lands, and of the relative rents. These proceedings were to be approved beforehand by the *kúmparakion* of Nola and Abella (the body with jurisdiction over the Sanctuary of Hercules)[439] triggering the dispute regarding the ownership of the sanctuary (was it jointly held by both cities, solely by Nola or solely by Abella?) and recorded in the text inscribed on the Cippus.[440] Antonini believes that neither Abella nor Nola were interested in defining their respective boundaries;[441] in fact, the Cippus Abellanus contains no trace of this partition, which may have been prohibited by previous international treaties (*foedera*) tying the two towns to Rome and preventing them from becoming involved in extra-territorial activities without Roman endorsement.[442] Rome seems far from averse to assuming the role of arbitrating judge in boundary disputes (a role usually assumed by the Senate in the Republican era) and in the consequent land ownership claims arising between the communities in its hegemonic orbit. The juridical and institutional framework contained in the Cippus Abellanus provides us with an unambiguous image of the synchronic situation of the relationship between Nola-Abella

[439] According to Laffi (Laffi 1983, pp. 59, 67 and n. 51) and Poccetti (Poccetti 1979), epigraphic evidence from the second century BC shows that, unlike Nola and Abella (as well as numerous localities in Samnium and Lucania), Pompeii had two assemblies: the *kúmbennio* (a term meaning 'popular assembly' that does not appear in the Cippus Abellanus) and the *kúmparakion* which, despite diverging opinions, should be the term by which the senate was designated: cf. also Salmon 1967, pp. 92-93. *Contra* Antonini 2015, p. 63; Antonini 2017, who sustains that the entire ruling structure of Nola and Abella may have been formed by two supreme magistrates – the Abellan *quaestor* Maius Vestricius and the Nolan *medìs deketasiìs* Maius Lucius Puclatus, acting *suo iure* – and by the legates appointed by their respective senates to observe the ongoing negotiations, report on the same to the institutional organs of the two cities, and eventually sign the *charta* of the agreement as witnesses.

[440] It is possible that the sanctuary's location on the border is not strictly relevant. Given that this was a shared sacred area, even if it had been entirely situated within the territory of one of the two cities, there would still have been the problem of guaranteeing access to all.

[441] This can only be deduced from what has been omitted, because the text of the Cippus only refers to the Temple of Hercules and appurtenances but we cannot exclude that the boundaries had been regulated. However, the fact that it was the Temple of Hercules to have been regulated (regardless of whether there was interest in defining the boundaries more in general) underlines its importance.

[442] Laffi 1990, pp. 285-304.

and Rome.[443] Consequently, the drawing up of the deliberations made by the Nolan and Abellan *kúmparakion* in written form had to be carried out with the greatest care in order to avoid friction between the two *civitates foederatae* and Rome, a looming but unavoidable presence (both in a negative and positive sense) in the drafting of 'Italic' legislative instruments. The lexicon used in the "monumentalised message on the Cippus"[444] reveals immediate correlations between the Roman magisterial vocabulary and Samnite institutional terminology: the Roman chancery provided a vast reservoir that could be drawn upon by those drafting official native texts in epichoric languages.[445]

The text of the Cippus concerns the definition of sacred boundaries. Despite the Oscan religious background, it seems likely that the ideological 'model' of the treaty (which commits the parties involved to compliance with the obligations jointly undertaken) is Roman and worthy of further study.

It must be assumed that *ab antiquo* sacred areas, as property of the gods, would have been inalienable, unless steps were taken to avoid sacrilege by adopting surrogate forms such as leasing or *emphyteusis*, and it is likely that this technicality is exploited by the *trebarakaom* concession mentioned in this document. Once the land lying around the sanctuary and in the vicinity of the territories of Nola and Abella had been mapped (as emerges from Side A of the Cippus), it is likely that the parcels of land were equally divided and delimited by boundary markers in order to then be 'leased' to Abella and Nola, for use as pastureland or for pens to hold their flocks.

Another clause in the agreement establishes that the two towns could construct buildings on the jointly owned strip of land outside the sanctuary walls, provided they obtained permis-

[443] Antonini 2015, p. 66.

[444] Antonini 2015, p. 74.

[445] Roman influence and models were certainly strong. The text itself has the structure of a *senatus consultum* with its typical indirect style. I would possibly be more cautious with regard to the correspondence between the Roman and Samnite magisterial lexicon: as rightly pointed out by Poccetti (Poccetti 1983, pp. 178-198), the *meddix degetasis* had no equivalent in Rome nor did the Osco-Samnite and Roman *quaestores* have the same competence.

sion beforehand from the respective senate.[446] It is worth pointing out here that the senate of Nola is also mentioned by Livy at the time of the Hannibalic War.[447]

The Cippus Abellanus makes explicit a concept of *limes* based on the presence of a strip of jointly owned land known as *slagi* (the Oscan equivalent of the Latin *ager extraclusus* or *subsecivus*) crossed by a path with a 'statutory' length and width delimited by 'crossed posts' marking the boundary between the sacred area of the Sanctuary of Hercules and the territories of Nola and Abella.[448] The object of contention concerned the *slagi* (*ager compascuus*?[449]), whose boundary markers were to be placed along two lines. If inhabitants of Nola wished to travel to Abella, they would have had to cross two 'borders'; once when they left the territory of their town to enter the *slagi*, and again when they left the *slagi* to enter the territory of Abella.[450]

The Cippus is an extraordinarily important epigraphic document,[451] both linguistically speaking (it is one of the longest and most complex texts in the Oscan languages to survive), and in terms of the historical and juridical-administrative references contained, given that it details decisions taken by magistrates and delegates from Nola and Abella who came to an agreement about the competences of their respective communities with regard to the area (*slagi*) surrounding the Sanctuary of Hercules, the admin-

[446] A Pompeian inscription mentions a [*k*]*vaísstur* who implements a *locatio,* [*kú*]*mparakineís* [*ta*]*ngin*(*ud*). Cf. Sartori 1953, p. 70; Poccetti 1983, pp. 179-180; Petraccia 1988, p. 70.

[447] Liv. 23.14.7; 23.16.7; 23.17.3; 23.39.7; 23.43.8; 24.13.8; see Sartori 1953, pp. 148-150.

[448] It is precisely for this reason that it is assumed that it was originally set up in the *forum* of Abella and in that of Nola as well as in the sanctuary of Hercules.

[449] Guida 2016, pp. 233-236. The first notion of *ager compascuus* dates back to the second century BC; according to Roman public law, it could be assigned to a community (like, for example, the *civitates foederatae*) or to multiple subjects (often owners of neighbouring plots using the land for pasture, as described by Frontin. *de contr*. p. 15, 4-6 L. = p. 6, 7-8 Th. *est et pascuorum proprietas pertinens ad fundos, sed in commune; propter quod ea conpascua multis locis in Italia communia appellantur*), maybe also without the obligation to remit a fee, and used to pasture animals (*Dig*. 8.5.20.1). After the Social War, Rome would find it necessary to define the precise boundaries of all urban communities, putting an end to Italic realities like the *slagi* of the Cippus Abellanus.

[450] Prosdocimi 1978b, p. 857; Scuderi 1991a, p. 389.

[451] Campanile, Letta 1979, p. 22.

istration of the temple, and the strip of land designated for joint use by the two towns and the sanctuary.[452]

As we have already pointed out with regard to the hypothetical (or maybe probable) intervention of Rome in the dispute between Nola and Abella reported in the text inscribed on the Cippus Abellanus – like an *éminence grise* pulling the strings behind the scenes – in this case the Roman Senate did not act as *arbiter* in the canonical sense of the term; nor are we in the presence of one of those 'false' arbitral decisions (a possibly misleading adjective) made by Rome.[453] Rather, this appears to be one of the forms of arbitration adopted pragmatically – but also habitually – by the Senate when intervening in strategically important areas like the 'Latin-Campanian' territory of Nola and Abella. This type of attentive control by Rome always emerged whenever fears arose that the conflicts of its allies might impact Roman interests in the area undergoing territorial rearrangement.[454]

In Italy, and in Campania, in particular, Osco-Samnite supremacy prevailed from around 420 BC until the end of the third century BC, and in certain spheres, until the Social War; already from 338 BC onwards, the centres of this region were building relationships with Rome. The 'political-diplomatic' organisation of this territory was managed by Rome through the *foedera*, whose contents were always inspired, as convincingly argued by Luraschi in 1979,[455] by two trump cards: experience and pragmatism. Although Rome's relationship to the *civitates foederatae* was not yet one of *imperium*, it was always based on *patrocinium*:[456] a formula that was a double-edged sword since it guaranteed protection to Rome's allies ... while also allowing Rome to exercise a kind of covert control over what happened in these settlements.

[452] Cinquantaquattro 2013, pp. 20-25.

[453] According to Compatangelo-Soussignan 2011, p. 49, a case of false arbitration was the one regarding the boundary dispute between Aricia and Ardea that Rome resolved in 446 BC.

[454] Compatangelo-Soussignan 2011, p. 58.

[455] Luraschi 1979. Cf. also Tarpin 2016, pp. 183-200.

[456] Cic. *Off.* 2.8.27.

With regard to Greece, Polybius tells us that in 228 BC, the Corinthians invited Rome to take part in the Isthmian Games.[457] According to Sartori, this highly significant and unprecedented event can only be interpreted in one way: it was clear that the Republic had achieved ascendancy in the Mediterranean world and that from now on, no one could ignore the rising empire of Rome. Less than a century later, in the wake of yet another uprising by the Achaean League, Corinth would witness the victorious army of Lucius Mummius extending this link to the political sphere. In fact, in 146 BC, Greece was incorporated into the Roman province of Macedonia. Only Athens and Sparta would be allowed to maintain a certain degree of autonomy, continuing to govern themselves by means of their own laws.[458]

But 228 BC was just another stage in the process bringing Greece and Rome closer:

> le relazioni avevano radici più antiche, più profonde, più vicine al Lazio. L'incontro era avvenuto in quell'Italia meridionale le cui coste portavano da secoli il nome augurale di Magna Grecia, dove Roma aveva vinto i Sanniti e Pirro, dove qualche anno più tardi logorerà Annibale [...]. Lì, in Italia, si conobbero, si fecondarono l'un l'altro e infine si fusero l'elemento ellenico e l'elemento romano, sì che un trinomio inscindibile ne venne, Roma Italia Grecia.[459]

Under Roman legislation, cities bound to Rome by a *foedus* were given a certain amount of leeway – at least formally – in proceedings regarding boundary disputes with the proviso of compliance with the conditions laid down by the treaty concerned.

At this point there were two possible scenarios.

1. The claimants failed to reach an agreement without the intervention of an *arbiter* appointed by the Roman Senate: the *arbiter* was required to listen to the arguments put forward by the legates representing the cities involved in the dispute and sent to Rome to request its intervention. If the request was

[457] Polyb. 2.12.8.

[458] "La Grecia aveva trovato alla fine l'unica pace che le si addicesse: quella del cimitero": Montanelli 2004, p. 323.

[459] Sartori 1953, pp. 11-12. Cf. Toynbee 1981, pp. 263 ff.

accepted, the task of resolving the dispute would be entrusted to a 'third' party appointed by the Senate. This resulted in one clear *criterium*: the deciding phase required the explicit contribution of a neutral third party with respect to the claimants.

a. As far as boundary disputes in the Hellenistic territory were concerned, Rome complied with the customary practices in use prior to its conquest of those regions and frequently entrusted arbitration to another city.[460] Around 140 BC the territorial interests of the *polis* of Ambracia clashed with those of the *koinon* of the Athamanians.[461] Delegations of Ambracians and Athamanians, therefore, travelled to Rome to request, through the mediation of praetor Publius Cornelius Blasio, the intervention of the Roman Senate in settling the dispute. After the ambassadors had explained the facts to the senators, the latter decided to appoint a third city (Corcyra) to take responsibility for resolving the matter. The aforementioned praetor entrusted Corcyra with this assignment by sending a missive that also contained a *senatus consultum* with 'guidelines' on how to settle the case. However, the arbitral decision was legitimately issued by the Corcyrian judges who also carried out a survey on the ground.

b. As far as boundary disputes between *civitates foederatae* in Italy were concerned, Rome would entrust the peaceful settlement of a dispute to a Roman arbitrator invested with decision-making powers by the Senate. Moreover, the *foedus* guaranteed the territory and the boundaries of the cities involved.[462] In 183 BC, a dispute arose between Naples[463]

[460] Guarducci 1987, p. 103.

[461] *SEG* 47, 1997, 604*; BE* 1998, 201. For the question relative to the dispute between Ambracia and the *koinon* of the Athamanians, see recently Camia 2009, pp. 44-50.

[462] Scuderi 1991a, p. 373.

[463] Rome and Naples stipulated a *foedus* that was respected by the Campanian city for almost 250 years, even during the tragic events of the Hannibalic War (Liv. 8.22.5; 8.23.13; Dion. Hal. *Ant. Rom.* 15.5-10). The treaty was favourable for Naples, which kept its fleet – while undertaking to come to Rome's aid if needed – and maintained its right to asylum, to mint its own coinage, and, of course, its language and Greek civil and religious institutions. The fact that the *foedus* was very favourable emerges from the fact that, according to Cicero, when

and Nola, which had been *civitates foederatae* for some time.[464] On this occasion the Roman Senate designated one of its own members – consul Quintus Fabius Labeo[465] – to adjudicate the dispute. The consul urged each side (Nola and Naples separately) to make concessions, convincing them to withdraw, rather than pushing forward their boundaries, then awarded the strip that remained between the two territories to Rome.[466] Cicero, who seemed to challenge the veracity of this account, underlined the deceitfulness of this arbitral approach. Valerius Maximus, while basing his account on the version of the great orator, considered this an example of great astuteness.[467] Here too we are faced with a form of arbitration clearly exemplified by the explicit involvement, in the deciding phase, of a neutral third party (a role perfectly played by Quintus Fabius Labeo). Although held by many to be a strange and anomalous episode of arbitration, it was certainly not a mere historiographic invention[468] as was very clearly demonstrated by Beloch, whose *Campanien. Geschichte und Topographie des antiken Neapel und seiner Umgebung*[469] continues to represent an indispensable instrument for scholars studying ancient Campania, over a century after its first publication.

As recently claimed by Parisi[470] (recalling some of Beloch's conclusions), the doubts raised by Cicero,[471] who would certainly have been aware of the juridical concept of arbitration, were less concerned with the historical truth of the dispute arising between Naples and Nola due to boundary issues in the early second century BC than with the homon-

Naples was offered Roman citizenship after the Social War, it attempted to refuse, as did Heraclea (Cic. *pro Balb.* 8.21).

[464] Naples' *foedus* with Rome dated to 326 BC; the *foedus* between Nola and Naples to 313 BC.

[465] Cic. *Off.* 1.10.23-41; Val. Max. 7.3.4.

[466] Scuderi 1991a, pp. 372-373; Compatangelo-Soussignan 2011, pp. 52-53.

[467] Cf. Scuderi 1991a, p. 372.

[468] Scuderi 1991a, pp. 373-374.

[469] Beloch 1879.

[470] Parisi 2011, pp. 94-100.

[471] Cic. *Off.* 1.10.33.

ymy of the magistrate sent by Rome to settle the matter. In fact, the magistrate in question was not the consul Quintus Fabius Labeo but the peregrine praetor Gaius Atinius Labeo, who was also active in that period and who had been sent to Campania in 195 BC by the Senate in order to act as *arbiter* and settle the territorial dispute between Nola and Naples.[472]

In conclusion, we should remove all doubts regarding the veracity of this episode (wrongly held to be a historiographic invention) and change the name of the magistrate sent to find a peaceful solution to the dispute (not Quintus Fabius Labeo, but Gaius Atinius Labeo), while pre-dating the year in which these events took place (not 183 BC, but 195 BC).

2. The claimants managed to peacefully reach an agreement without the intervention of an *arbiter* (whether city or magistrate) designated by the Roman Senate. Therefore, when there were no grounds to believe that a territorial dispute between cities could cause any harm to Rome or challenge its authority, Rome did not directly intervene.

    a. As far as boundary disputes between Greek cities are concerned, it is worth recalling the dispute that flared up between Sparta and Argos in the mid-second century BC or thereabouts. Pausanias,[473] who may be 'duplicating' the more well-known dispute between Sparta and Megalopolis,[474] reports that a certain Gallus entrusted the responsibility for resolving the dispute directly to Callicrates, a leading member of the Achaean League. In fact, given that the dispute involved two members of the League (a federal body with a certain degree of autonomy – formally

[472] It is rather surprising that Cicero's doubts – relating not to the veracity of this episode but to the identity of the *arbiter* sent by Rome – have never been adequately examined and studied other than by a great scholar such as Beloch 1879, p. 494.

[473] Paus. 7.11.1-2.

[474] Camia 2004, pp. 423-427. For the disputes in which Sparta was involved in the same period (with Megalopolis and probably also with Argos) see Camia 2009, pp. 22-31.

at least – authorised to make decisions on internal matters under the treaty stipulated with Rome in 192-191 BC that was renewed on the occasion of the clash between Sparta and the League in 184-183 BC), Rome decided to entrust the responsibility for making a decision to Callicrates in his capacity as (pro-Roman) representative of the *koinon*.

The Romans, therefore, did not deliver a verdict on the dispute between Sparta and Argos (or Sparta and Megalopolis), possibly 'limiting' themselves to influencing the decision by communicating a 'response' (*gnome*) at the moment in which they were consulted by the legates (as had been the case with the Megalopolites and the Spartans). This 'response' probably involved decreeing the ineluctable authority of the judgements passed by the judges in precedence;[475] Rome, therefore, opted out of judging the dispute in person and even refrained from indicating a third city (as was the usual practice) to settle the dispute – restoring judicial power to the League – in the context of a hundred-year-old territorial conflict similar to the one in which Sparta had been caught up since 338 BC.

b. The case described in the Cippus Abellanus seems, therefore, to fall into the latter category, given that it reports a dispute between Nola and Abella, the two cities responsible for the administration of the sacred area of Hercules as well as of the areas pertaining to and/or surrounding the sanctuary. We should remember that Rome tended to consider the sacred sphere as coming under its allies' 'internal affairs', unless of course it spilled over into issues regulated by the *foedera*; reading the epigraph inscribed on the Cippus "si deduce *ex silentio* il consenso di Roma agli 'affari' d'ambito santuariale tra Nola e Abella, sia pure contenuti 'in limiti certi' in questi la profanazione di beni santuariali".[476] In this case too, Rome may have decided not to intervene directly, given that this was a dispute peacefully resolved by the cities involved by means of a 'joint sentence' issued by the collective body responsible for the sacred precinct of Hercules represent-

[475] *IvO* 47, l. 46.

[476] Antonini 2017, p. 62 and n. 68.

ing the cities of Nola and Abella.[477] This sentence marked the *probatio* of the defined boundary perimeter, a perimeter partly occupied by the aforementioned sacred area.[478] It is worth remembering that the issues connected to the sanctuary and the surrounding territories would have come under the remit of the sacred, which was usually respected (spared) by Rome ... obviously within the limits of autonomy laid down by the *foedus*. As far as we can deduce from a text as 'peremptory' and hard to understand as the epigraph inscribed upon the Cippus (even though this is one of the least obscure antique texts, especially among the Oscan ones, with regard to the general terms), Rome's only concern was to ensure that the faithful had free access to the sanctuary, along the road built on the *slagi*.[479]

> Fu dunque quella di Roma, politica paziente ma risoluta, non aliena dal compromesso temporaneo ma decisa a raggiungere sostanziale e definitiva uniformità, sì che al termine del processo ogni città d'Italia risultasse una copia dell'Urbe e in ciascuna, escluse per un primo tempo le greche, si parlasse latino. [...] Sicché, in ultima analisi, l'uniformità si raggiungeva per il simultaneo concorso di due fattori principalissimi, la lungimirante azione del governo romano e la recisa volontà italica che con Roma coincidesse l'Italia e che dire Roma significasse comprendere in un solo sguardo l'intera penisola: fu così che Roma divenne Italia e l'Italia si identificò con Roma, in un perpetuo scambio di alti valori civili, in una meravigliosa unità di intenti, in un inesausto comunicare di popoli.[480]

M. F. P.

[477] The text does not provide information on the requirements of this sentence nor on the pertinence and institutional nature of the body issuing it: cf. Antonini 2017, p. 84.

[478] Antonini 2017, p. 79.

[479] Rome safeguarded local *sacra* and certainly did not hinder them. After all, this was the spirit of the entire operation. However, it should also be considered conversely, broadening the perspective. Poccetti (Poccetti 1979) notes that it was just in the second century BC that the native civilisations felt the need to strengthen their local religious traditions using a variety of mostly ritual documents like the *Tabulae Iguvinae* with inscriptions in Umbrian and the *Tabula Veliterna* with an inscription in Volscian. The Cippus Abellanus may also have been inspired by this type of local impulse, which in the case of clashes or disputes, was encouraged or backed by Rome.

[480] Sartori 1953, p. 163.

6.
THE POLCEVERA TABLET

De iure territorii controversia est de his quae ad ipsam urbem pertinent, sive quid intra pomerium eius urbis erit quod a privatis operibus optineri non oportebit. Eum dico locum quem ne ordo nullo iure a populo poterit amovere.
(Frontin. *de contr.* p. 17 L. = p. 7, 1-5 Th.)

Territorii [*aeque*] *iuris controuersia agitatur, quotiens propter exigenda tributa de possessione litigatur, cum dicat una pars in sui eam fine territorii constituta<m>, et altera e contrario similiter. Quae re<s>* [*haec autem controuersia*] *territorialibus est finienda terminibus, nam inuenimus saepe in publicis instrumentis significanter inscripta territoria* [...].
(Hyg. Grom. *de cond. agr.* p. 114, 11-16 L. = p. 74, 4-10 Th.)

Fig. 2
The Polcevera Tablet, currently preserved in the Museo Civico di Archeologia Ligure di Genova Pegli [Pasquinucci 2014].

Q(*uintus*) (*et*) *M*(*arcus*) *Minucieis Q*(*uinti*) *f*(*ilii*) *Rufeis de controvorsieis inter / Genuateis et Veiturios in re praesente cognoverunt, et coram inter eos controvosias composeiverunt, / et qua lege agrum possiderent et qua fineis fierent dixserunt. Eos fineis facere terminosque statui iuserunt; / ubei ea facta essent, Romam coram venire iouserunt. Romae coram sententiam ex senati consulto dixerunt eidib*(*us*) */ Decemb*(*ribus*) *L*(*ucio*) *Caecilio Q*(*uinti*) *f*(*ilio*) (*et*) *Q*(*uinto*) *Muucio Q*(*uinti*) *f*(*ilio*) *co*(*n*)*s*(*ulibus*). *Qua ager privatus casteli Vituriorum est, quem agrum eos vendere heredemque / sequi licet, is ager vectigal*(*is*) *nei siet. Langatium fineis agri privati: ab rivo infimo, qui oritur ab fontei in Mannicelo ad flovium / Edem: ibi terminus stat; inde flovio suso vorsum in flovium Lemurim; inde flovio Lemuri susum usque ad rivom Comberane*(*am*); */ inde rivo Comberanea susum usque ad comvalem Caeptiemam: ibi termina duo stant circum viam Postumiam; ex eis terminis recta / regione in rivo Vendupale; ex rivo Vindupale in flovium Neviascam; inde dorsum flovio Neviasca in flovium Procoberam; inde / flovio Procoberam deorsum usque ad rivom Vinelascam infumum: ibei terminus stat; inde sursum rivo recto Vinelesca: / ibei terminus stat propter viam Postumiam, inde alter trans viam Postumiam terminus stat; ex eo termino, quei stat / trans viam Postumiam, recta regione in fontem in Manicelum; inde deorsum rivo, quei oritur ab fonte en Manicelo, / ad terminum, quei stat ad flovium Edem. Agri poplici, quod Langenses posident, hisce finis videntur*

esse: ubi comfluont / Edus et Procobera, ibei terminus stat; inde Ede flovio sursuorsum in montem Lemurino infumo: ibei terminus / stat; inde sursumvorsum iugo recto monte Lemurino: ibei terminus stat; inde susum iugo recto Lemurino: ibi terminus / stat in monte pro cavo; inde sursum iugo recto in montem Lemurinum summum: ibei terminus stat; inde sursum iugo / recto in castelum, quei vocitatus est Alianus: ibei terminus stat; inde sursum iugo recto in montem Ioventionem: ibi terminus / stat; inde sursum iugo recto in montem Apeninum, quei vocatur Boplo: ibei terminus stat; inde Apeninum iugo recto / in montem Tuledonem: ibei terminus stat; inde deorsum iugo recto in flovium Veraglascam in montem Berigiemam / infumo: ibi terminus stat; inde sursum iugo recto in montem Prenicum: ibi terminus stat; inde dorsum iugo recto in / flovium Tulelascam: ibi terminus stat; inde sursum iugo recto Blustiemelo in montem Claxelum; ibi terminus stat; inde / deorsum in fontem Lebriemelum: ibi terminus stat; inde recto rivo Eniseca in flovium Procoberam: ibi terminus stat; / inde deorsum in floviom Procoberam, ubei conflovont flovi Edus et Procobera: ibi terminus stat. Quem agrum poplicum / iudicamus esse, eum agrum castelanos Langenses Veiturios posidere fruique videtur oportere. Pro eo agro vectigal Langenses / Veituris in poplicum Genuam dent in an(n)os singulos vic(toriatos) n(ummos) CCCC. Sei Langenses eam pequniam non dabunt neque satis / facient arbitratuu Genuatium, quod per Genuenses mora non fiat, quo setius eam pequniam acipiant, tum quod in eo agro / natum erit frumenti partem vicensumam, vini partem sextam Langenses in poplicum Genuam dare debento / in annos singolos. Quei intra eos fineis agrum posedet Genuas aut Viturius, quei eorum posedeit k(alendis) Sextil(ibus) L(ucio) Caicilio / (et) Q(uinto) Muucio co(n)s(ulibus), eos ita posidere colereque liceat. Eus (!) quei posidebunt, vectigal Langensibus pro portione dent ita uti ceteri / Langenses, qui eorum in eo agro agrum posidebunt fruenturque. Praeter ea in eo agro ni quis posideto, nisi de maiore parte / Langensium Veituriorum sententia, dum ne alium intro mitat nisi Genuatem aut Veiturium colendi causa. Quei eorum / de maiore parte Langensium Veiturium sententia ita non parebit, is eum agrum nei habeto nive fruimino. Quei / ager compascuos erit, in eo agro quo minus pecus [p]ascere Genuates Veiturioque liceat ita utei in cetero agro / Genuati compascuo, ni quis prohibeto nive quis vim facito, neive prohibeto quo minus ex eo agro ligna materiamque / sumant utanturque. Vectigal anni primi k(alendis) Ianuaris secundis Veturis Langenses in poplicum Genuam dare / debento. Quod ante k(alendas) Ianuar(ias) primas Langenses fructi sunt eruntque, vectigal invitei dare nei debento. / Prata quae fuerunt proxuma faenisicei L(ucio) Caecilio (et) Q(uinto) Muucio co(n)s(ulibus) in agro poplico, quem Viturie Langenses / posident et quem Odiates et quem Dectunines et quem Cavaturineis et quem Mentovines posident, ea prata, / invitis Langensibus et Odiatibus et Dectuninebus et Cavaturines et Mentovines, quem quisque eorum agrum / posidebit, inviteis eis niquis sicet nive pascat nive fruatur. Sei Langueses (!) aut Odiates aut Dectunines aut Cavaturines / aut Mentovines malent in eo agro alia prata inmittere, defendere, sicare, id uti facere liceat, dum ne ampliorem / modum pratorum habeant quam proxuma aestate habuerunt fructique sunt. Viturie quei controvorsias / Genuensium ob iniourias iudicati aut damnati sunt, sei quis in vinculeis ob eas res est, eos omneis / solvei, mittei leiberique Genuenses videtur oportere ante eidus Sextilis primas.[481] *Sei quoi de ea re / iniquom videbitur esse, ad nos adeant primo quoque die et ab omnibus controversis et hono(---) publ(---) li(---). / Leg(ati) Moco Meticanio Meticoni f(ilius); Plaucus Peliani(o) Pelioni f(ilius).*

[481] In the ancient Roman calendar with the year beginning in March, the month Sextile was the sixth month (see translation by Petracco Sicardi); after the Julian reform in 45 BC, which moved the start of the year to January, Sextile became the eighth month of the new solar year and was later named August in honour of Augustus (see translation by Warmington).

Q(*uintus*) (*et*) *M*(*arcus*) *Minucieis Q*(*uinti*) *f*(*ilii*) *Rufeis de controvorsieis inter / Genuateis et Veiturios in re praesente cognoverunt, et coram inter eos controvosias composeiverunt, / et qua lege agrum possiderent et qua fineis fierent dixserunt. Eos fineis facere terminosque statui iuserunt; / ubei ea facta essent, Romam coram venire iouserunt. Romae coram sententiam ex senati consulto dixerunt eidib*(*us*) */ Decemb*(*ribus*) *L*(*ucio*) *Caecilio Q*(*uinti*) *f*(*ilio*) (*et*) *Q*(*uinto*) *Muucio Q*(*uinti*) *f*(*ilio*) *co*(*n*)*s*(*ulibus*). *Qua ager privatus casteli Vituriorum est, quem agrum eos vendere heredemque / sequi licet, is ager vectigal*(*is*) *nei siet.*

Italian translation (by Petracco Sicardi in Mennella 2004, pp. 522-523): Quinto e Marco Minucio Rufo, figli di Quinto, riguardo alle controversie tra Genuati e Viturii, fecero una ricognizione sul terreno e in presenza dei contendenti composero la controversia e stabilirono secondo quali norme dovessero possedere l'agro e dove dovesse passare il confine. Ordinarono loro di segnare il confine e apporre i termini e, fatto ciò, di venire personalmente a Roma. A Roma in loro presenza pronunziarono la sentenza per senatoconsulto il 15 dicembre, sotto il consolato di Lucio Cecilio figlio di Quinto e Quinto Mucio figlio di Quinto. Dov'è agro privato del castello dei Viturii, essi possono venderlo e lasciarlo in eredità. Questo agro non sarà sottoposto a tassa.

English translation (E. H. Warmington (ed.), *Remains of old Latin*, Harvard IV 1940, pp. 262-271 – The Loeb Classical Library): Quintus Minucius Rufus and Marcus Minucius Rufus, sons of Quintus, inquired on the spot into the quarrels between the Genuans and the Veturians and in their hearing settled the quarrels between them and informed them of the conditions on which they were to hold their land and of the conditions on which boundaries were to be fixed. They ordered them to fix the boundaries and to cause boundary-marks to be set up; they ordered them to come to Rome in person when these commands were carried out. In person at Rome the Minucii made a report by a resolution of the Senate on the thirteenth day of December in the consulship of Lucius Caecilius son of Quintus, and Quintus Mucius son of Quintus. Wherever there is private land belonging to the fortress of the Veturii, land which they may sell and which can pass to an heir, the said land shall not be put under charges.

Langatium fineis agri privati: ab rivo infimo, qui oritur ab fontei in Mannicelo ad flovium / Edem: ibi terminus stat; inde flovio suso vorsum in flovium Lemurim; inde flovio Lemuri susum usque ad rivom Comberane(am); / inde rivo Comberanea susum usque ad comvalem Caeptiemam: ibi termina duo stant circum viam Postumiam; ex eis terminis recta / regione in rivo Vendupale; ex rivo Vindupale in flovium Neviascam; inde dorsum flovio Neviasca in flovium Procoberam; inde / flovio Procoberam deorsum usque ad rivom Vinelascam infumum: ibei terminus stat; inde sursum rivo recto Vinelesca: / ibei terminus stat propter viam Postumiam, inde alter trans viam Postumiam terminus stat; ex eo termino, quei stat / trans viam Postumiam, recta regione in fontem in Manicelum;

Confini dell'agro privato dei Langati: dall'estremità inferiore del rio che nasce dalla fonte in Mannicelo al fiume Edo (qui è posto un termine); poi, risalendo il fiume fino al fiume Lemori e per il fiume Lemori in su fino al rio Comberanea, poi per il rio Comberanea in su fino alla convalle Ceptiema (qui sono posti due termini, di qua e di là della via Postumia). Da tali termini in linea retta al rio Vindupale, dal rio Vindupale al fiume Neviasca, dal fiume Neviasca giù fino al fiume Procobera, e di lì in giù fino all'estremità inferiore del rio Vinelasca (qui è posto un termine); risalendo in linea retta il rio Vinelasca, ove è posto un termine al di qua della via Postumia e un altro termine al di là della via, dal termine posto al di là della via Postumia in linea retta fino alla fonte in Mannicelo,

The boundaries of the private land of the Langenses are: from the lowest reach of the watercourse which rises from the spring on Manicelum, at the stream Edus; there a boundary-mark stands. Thence along the stream uphill to the stream Lemuris. Thence along the stream Lemuris uphill as far as the watercourse Comberanea. Thence along the watercourse Comberanea uphill as far as the valley Caeptiema; there two boundary-marks stand on either side of the Postumian Way. From these boundary-marks, in a straight line to the watercourse Vendupale. From the watercourse Vendupale to the stream Neviasca. Thence downhill along the stream Neviasca to the stream Procobera. Thence downhill along the stream Procobera as far as the lowest reach of the watercourse Vinelasca. There a boundary-mark stands. Thence straight up the watercourse Vinelasca. Here a boundary-mark stands by the Postumian Way. Thence across the Postumian Way stands a second mark. From that which stands across the Postumian Way in a straight line to the spring at Manicelum.

inde deorsum rivo, quei oritur ab fonte en Manicelo, / ad terminum, quei stat ad flovium Edem. Agri poplici, quod Langenses posident, hisce finis videntur esse: ubi comfluont / Edus et Procobera, ibei terminus stat; inde Ede flovio sursuorsum in montem Lemurino infumo: ibei terminus / stat; inde sursumvorsum iugo recto monte Lemurino: ibei terminus stat; inde susum iugo recto Lemurino: ibi terminus / stat in monte pro cavo; inde sursum iugo recto in montem Lemurinum summum: ibei terminus stat; inde sursum iugo / recto in castelum, quei vocitatus est Alianus: ibei terminus stat; inde sursum iugo recto in montem Ioventionem: ibi terminus / stat; inde sursum iugo recto in montem Apeninum, quei vocatur Boplo: ibei terminus stat; inde Apeninum iugo recto / in montem Tuledonem: ibei terminus stat;

poi giù fino al termine posto presso il fiume Edo. I confini dell'agro pubblico che i Langensi possiedono risultano essere questi: il primo termine è posto alla confluenza dell'Edo e del Procobera. Di qui per il fiume Edo in su fino ai piedi del monte Lemurino (termine), in su in linea retta per la costa Lemurina (termine), ancora per la costa Lemurina (qui è posto un termine sul monte che si affaccia sulla cavità), poi su dritto per costa alla sommità del monte Lemurino (termine), poi su dritto per costa al castello che è stato chiamato Aliano (termine), poi su dritto per costa al monte Giovenzione (termine), poi su dritto per costa al monte Appennino che si chiama Boplo (termine); poi per l'Appennino dritto per costa al monte Tuledone (termine);

Thence downstream along the watercourse which rises from the spring on Manicelum to the boundary-mark which stands by the stream Edna. The boundaries of such public state-land which is in the possession of the Langenses appear to be these: at the confluence of the Edna and the Procobera, there a boundary-mark stands. Thence along the stream Edna uphill to Mount Lemurinus, at the foot; there a boundary-mark stands. Thence uphill on Mount Lemurinus, straight along up the ridge there a boundary-mark stands. Thence up further straight along up the ridge Lemurinus; there a boundary-mark stands on the mountain in front of a hollow. Thence up straight along up the ridge to the top of Mount Lemurinus; there a boundary-mark stands. Thence up straight along up the ridge to the reservoir often called Alianus; there a boundary-mark stands. Thence up straight along up the ridge to Mount Joventio; there a boundary-mark stands. Thence up straight along up the ridge to that height of the Apennine Mountains which is called Boplo; there a boundary-mark stands. Thence straight along up the ridge to the Apennine mountain Tuledo; there a boundary-mark stands.

inde deorsum iugo recto in flovium Veraglascam in montem Berigiemam / infumo: ibi terminus stat; inde sursum iugo recto in montem Prenicum: ibi terminus stat; inde dorsum iugo recto in / flovium Tulelascam: ibi terminus stat; inde sursum iugo recto Blustiemelo in montem Claxelum; ibi terminus stat; inde / deorsum in fontem Lebriemelum: ibi terminus stat; inde recto rivo Eniseca in flovium Procoberam: ibi terminus stat; / inde deorsum in floviom Procoberam, ubei conflovont flovi Edus et Procobera: ibi terminus stat. Quem agrum poplicum / iudicamus esse, eum agrum castelanos Langenses Veiturios posidere fruique videtur oportere. Pro eo agro vectigal Langenses / Veituris in poplicum Genuam dent in an(n)os singulos vic(toriatos) n(ummos) CCCC.

poi giù dritto per costa al fiume Veraglasca, ai piedi del Monte Berigiema (termine), poi su dritto per costa al monte Prenicco (termine), poi giù dritto al fiume Tulelasca (termine), poi giù dritto per la costa Blustiemela al monte Claxelo (termine), poi in giù alla fonte Lebriemela (termine), poi dritto per il rivo Eniseca al fiume Procobera (termine), poi giù per il fiume Procobera fino alla confluenza Edo-Procobera, dove è posto un termine. L'agro che è dichiarato pubblico, i Langensi Viturii abitanti del castello possono possederlo e goderne. Per tale agro i Langensi Viturii verseranno al Tesoro pubblico, a Genua, 400 nummi vittoriati ogni anno.

Thence downhill straight along down the ridge to the stream Veraglasca at the foot of Mount Berigiema; there a boundary-mark stands. Thence uphill straight along up the ridge to Mount Prenicus; there a boundary-mark stands. Thence downhill straight along down the ridge to the stream Tulelasca; there a boundary-mark stands. Thence uphill straight along up the ridge Blustiemelus to Mount Claxelus; there a boundary-mark stands. Thence downhill to the spring Lebriemelus; there a boundary-mark stands. Thence straight along the watercourse Eniseca to the stream Procobera; there a boundary-mark stands. Thence downhill to the stream Procobera at the point of the confluence of the streams Edus and Procobera; there a boundary-mark stands. Whatever land we judge to be public state-land, that land we think the fort-holders, namely the Langensian Veturii, ought to hold and enjoy. For the said land the Langensian Veturii shall pay into the public treasury at Genua every year 400 pieces of the 'Victory' stamp.

Sei Langenses eam pequniam non dabunt neque satis / facient arbitratuu Genuatium, quod per Genuenses mora non fiat, quo setius eam pequniam acipiant, tum quod in eo agro / natum erit frumenti partem vicensumam, vini partem sextam Langenses in poplicum Genuam dare debento / in annos singolos. Quei intra eos fineis agrum posedet Genuas aut Viturius, quei eorum posedeit k(alendis) Sextil(ibus) L(ucio) Caicilio / (et) Q(uinto) Muucio co(n)s(ulibus), eos ita posidere colereque liceat. Eus (!) *quei posidebunt, vectigal Langensibus pro portione dent ita uti ceteri / Langenses, qui eorum in eo agro agrum posidebunt fruenturque.*

Se i Langensi non verseranno tale somma e non soddisferanno all'arbitrato dei Genuati, a meno che i Genuensi non tardino a riscuotere la somma, in tal caso i Langensi dovranno versare al Tesoro a Genua, di tutto quanto sarà stato prodotto nell'agro, 1/20 del frumento e 1/6 del vino ogni anno. Chi possederà (un podere) entro tali confini, Genuate o Viturio, alla data del 1° giugno del consolato di Lucio Cecilio e Quinto Mucio, potrà continuare a possederlo e goderlo. Tali possessori pagheranno la tassa ai Langensi secondo la loro porzione così come gli altri Langensi che possederanno e godranno un podere in tale agro.

If the Langenses fail to pay the said money and do not give satisfaction according to the will and pleasure of the Genuans (on such condition that it is not through the fault of the Genuans that any delay hinders them from receiving the money) – in this case the Langenses shall be required to pay into the public treasury at Genua every year one twentieth part of the corn and one sixth part of the wine which shall have been produced on the said land. Any Genuan or Veturian who has come into possession of land within the said boundaries, if he held possession on the first day of August in the consulship of Lucius Caecilius and Quintus Mucius, may thus remain in possession and till the land. Those who shall possess a holding must pay to the Langenses a charge in the same proportion as the remaining Langenses such of them as shall possess and enjoy any area within the said land.

Praeter ea in eo agro ni quis posideto, nisi de maiore parte / Langensium Veituriorum sententia, dum ne alium intro mitat nisi Genuatem aut Veiturium colendi causa. Quei eorum / de maiore parte Langensium Veiturium sententia ita non parebit, is eum agrum nei habeto nive fruimino. Quei / ager compascuos erit, in eo agro quo minus pecus [p]ascere Genuates Veituriosque liceat ita utei in cetero agro / Genuati compascuo, ni quis prohibeto nive quis vim facito, neive prohibeto quo minus ex eo agro ligna materiamque / sumant utanturque. Vectigal anni primi k(alendis) Ianuaris secundis Veturis Langenses in poplicum Genuam dare / debento. Quod ante k(alendas) Ianuar(ias) primas Langenses fructi sunt eruntque, vectigal invitei dare nei debento.

Oltre a questi possessi, nessuno potrà possedere se non con l'approvazione della maggioranza dei Langensi Viturii e condizione che non faccia subentrare un altro, Genuate o Viturio, per coltivare. Chi non obbedirà al parere della maggioranza dei Langensi Viturii non avrà né godrà tale agro. Nell'agro che sarà compascuo, nessuno proibisca né impedisca con la forza ai Genuati e ai Viturii di pascolare il bestiame, così come nel resto dell'agro compascuo genuate; e nessuno proibisca che vi raccolgano legna e legname e ne facciano uso. La tassa del primo anno i Langensi Viturii debbono versarla al Tesoro di Genua il 1° gennaio dell'anno successivo. Per quanto i Langensi hanno goduto prima del 1° gennaio prossimo venturo, non debbono pagare nessuna tassa se non vogliono.

Furthermore within the said land no one must possess a holding unless it be by a majority-vote of the Langensian Veturii, and on condition that he admits no other onto his holding for the purpose of tilling unless he be a Genuan or a Veturian. If any of the said persons shall not appear to obey this condition (by a majority-vote of the Langensian Veturii), he shall not keep the land or enjoy it. No man shall hinder the Genuans and the Veturii from pasturing cattle, on such of the said land as is associate pasture-land, in the way in which it is allowed on the remaining associate pasture-land of Genua, and no man shall use force or hinder them from taking from the said land firewood and building-timber and using the same. The Langensian Veturii are required to pay into the public treasury at Genua a first year's rent on the first day of January next but one. For such land as the Langenses have enjoyed and shall enjoy before and up to the first day of January next they are not required to pay against their will.

Prata quae fuerunt proxuma faenisicei L(ucio) Caecilio (et) Q(uinto) Muucio co(n)s(ulibus) in agro poplico, quem Vituries Langenses / posident et quem Odiates et quem Dectunines et quem Cavaturineis et quem Mentovines posident, ea prata, / invitis Langensibus et Odiatibus et Dectuninebus et Cavaturines et Mentovines, quem quisque eorum agrum / posidebit, inviteis eis niquis sicet nive pascat nive fruatur. Sei Langueses (!) aut Odiates aut Dectunines aut Cavaturines / aut Mentovines malent in eo agro alia prata inmittere, defendere, sicare, id uti facere liceat, dum ne ampliorem / modum pratorum habeant quam proxuma aestate habuerunt fructique sunt.

Quando, nell'anno di consolato di Lucio Cecilio e Quinto Mucio, i prati dell'agro pubblico saranno prossimi al taglio (i prati dell'agro pubblico posseduto dai Langensi Viturii, di quello posseduto dagli Odiati, di quello dei Dectunini, di quello dei Mentovini e di quello dei Cavaturini), nessuno potrà tagliarvi o pascolarvi o goderne senza il consenso dei Langensi, degli Odiati, dei Dectunini, dei Cavaturini e dei Mentovini, ciascuno per il proprio agro. Se i Langati, gli Odiati, i Dectunini, i Cavaturini e i Mentovini preferiscono costituire, cintare, tagliare altri prati in tale agro, potranno farlo, a condizione che la misura totale dei prati non superi quella dell'estate passata.

The meadows which, at the last hay-mowing, during the consulship of Lucius Caecilius and Quintus Mucius, within the limits of the public state-land in the possession of the Langensian Veturii, and the public state-land in the possession of the Odiates and the Dectunines, and the public state-land in the possession of the Cavaturini and the Mentovini – the said meadows no one shall mow or use as pasture or enjoy against the will of the Langenses and the Odiates and the Dectunines and the Cavaturini and the Mentovini, in the case of the land which any of the said peoples shall severally possess. If, on the said land, the Langenses or the Odiates or the Dectunines or the Cavaturini or the Mentovini prefer to let grow, fence off, and mow other meadows, they shall be allowed to do so provided that they hold no larger measure of meadowland than they held and enjoyed last summer.

*Viturie*s *quei controvorsias / Genuensium ob iniourias iudicati aut damnati sunt, sei quis in vinculeis ob eas res est, eos omneis / solvei, mittei leiberique Genuenses videtur oportere ante eidus Sextilis primas.*[482] *Sei quoi de ea re / iniquom videbitur esse, ad nos adeant primo quoque die et ab omnibus controversis et hono(---) publ(---) li(---). / Leg(ati) Moco Meticanio Meticon*i *f(ilius); Plaucus Peliani(o) Pelioni f(ilius).*

I Viturii che, in occasione delle controversie con i Genuensi sono stati giudicati o condannati per ingiurie, se qualcuno è in carcere per tali motivi, i Genuensi dovranno liberarli e prosciogliерli prima del prossimo 15 giugno. Se a qualcuno sembrerà iniquo qualcosa di quanto è contenuto in questa sentenza, si rivolga a noi, ogni primo giorno del mese, e sia libero da tutte le controversie e oneri pubblici. I legati: Mocone Meticanio(ne?), figlio di Meticone; Plauco Pelianio(ne?), figlio di Pelione.

If any shall think that there is unfairness in this matter, they must come to us on the first possible day and be quit of all quarrels… If any one of the Veturii who have been judged or found guilty in respect of quarrels with the Genuans on account of contumelious wrongs is in prison because of such matters, we think that all of them should be released, discharged, and set free before the thirteenth day of August next. Commissioners: Mocus Meticanius son of Meticonus; Plaucus Pelianius son of Pelionus.

[482] In the ancient Roman calendar with the year beginning in March, the month Sextile was the sixth month (see translation by Petracco Sicardi); after the Julian reform in 45 BC, which moved the start of the year to January, Sextile became the eighth month of the new solar year and was later named August in honour of Augustus (see translation by Warmington).

In November 2013, the then Soprintendenza per i Beni Archeologici della Liguria was informed of the fortuitous discovery at Isola del Cantone (Genoa) of a small nucleus of pottery and metal objects dating to the Second Iron Age that probably belonged to a group of grave goods disturbed by ploughing.[483] According to Traverso, these finds can be considered as 'index fossils' for the period of Romanisation of the mountainous region of Liguria and provide important clues regarding the Apenninic route of the Via Postumia, a consular road opened in 148 BC by consul Spurius Postumius Albinus to connect Aquileia with Genoa, which was strategic for links between that important frontier city founded by the Romans in 181 BC,[484] the Po Valley, and the Ligurian stretch of the road.[485]

From the nineteenth century to the present day, the route taken by the western stretch of the Via Postumia has been one of the most intensely debated topics in Ligurian archaeology. We have witnessed a proliferation of monographs and contributions from 1994 onwards, the year of the study day (Palazzo Ducale, Genoa) that was dedicated to the Polcevera Tablet prior to its entry to the Museo Civico di Archeologia Ligure.[486]

[483] This discovery gave rise in 2014 to the 'Progetto Postumia' launched by the Soprintendenza Archeologia della Liguria in collaboration with the Comune di Genova, a project that is still ongoing and that is being implemented by a team of professionals who have set themselves the task of organising the new data, the finds that have taken place in the past few decades, the existing historical and archaeological sources, and, most importantly of all, of assessing alternative routes to the traditional route proposed in current studies: Traverso *et al.* 2014-2015, p. 203.

[484] Liv. 40.34.2-3.

[485] With regard to the Ligurian 'stretch' of the Via Postumia, see most recently Traverso *et al.* 2014-2015, pp. 203-220; Cf. also Levi 1996, pp. 47-49.

[486] This footnote lists the most significant studies, providing a mere historical overview of what has been published so far, rather than a reference bibliography: Giannichedda 1995, pp. 39-49; Mennella 1995, pp. 69-79; Bianchi 1996, pp. 63-80; Torelli 1998, pp. 21-28; De Feo 1998, pp. 59-62; Mennella 1998, pp. 268-270; Pasquinucci 1998, pp. 213-215; Barozzi 2000, pp. 35-43; Cera 2000; Melli 2001, pp. 95-102; Boccaleri 2002a; Boccaleri 2002b; De Vingo, Frondoni 2003, pp. 32-36; Pasquinucci 2004a, p. 447; Mennella 2004, pp. 522-523; Menchelli, Pasquinucci 2004, pp. 185-202; Boccaleri 2006; Launaro 2006-2007, pp. 5-12; Mennella 2014, pp. 99-105; Pasquinucci 2014, pp. 107-112; Canazza, Cirnigliaro, Pedemonte 2015, pp. 58-70; Guida 2016, pp. 241-244.

As we will see in the pages below, the Polcevera Tablet is one of the most antique documents to make explicit reference to the Via Postumia and its route.

> The inscription contains detailed and topographical indications and offers an almost unique opportunity for comparing the way Ligurians and Romans perceived the countryside with the result of the modern archaeological survey. The text mentions altogether private land, public land (some under grains, some under vines), *ager compascuus* (supporting flocks and providing in addition wood and *materia*), finally meadows. [...] In the Roman period, where the history of the conquest is well known from the literary sources, while the economic and social history of the area as part of the Roman world is hardly known at all. Similarly, the political history of the region in the Late Empire particularly after the Byzantine conquest in AD 537, and in the Middle Ages shows that it played a major role, but the consequences on the ground are less clear.[487]

According to tradition, it was found in 1506 near Pedemonte di Serra Riccò in the locality of Izosecco[488] by Agostino Pedemonte, who took it to Genoa in the hope of receiving a handsome sum of money from a coppersmith. A humanist scholar visiting the workshop recognised its worth and informed the government about the find. The city rulers promptly purchased it and, recognising its historical importance, had it set up in the Duomo.

The first Latin edition was published in Paris in 1520 by Agostino Giustiniani who republished it in 1537 in *volgare* in the *Annals* of Genoa,[489] which is where we find the first attempt to reconstruct the western section of the Via Postumia:

> E di là da giogo di Ricò, il quale è discosto dalla Marina quattordici miglia, si offende la villa di Buzalla, ed il Borgo dei Fornari, terre dei nobili Spinoli col fiume Scrivia, e l'antica via *Posthumia*, oggi nominata via *Costuma* ossia *Costumia*, per la quale si va a Ronco, all'Isola, ad Arquata, a Serravalle ed a Nove.[490]

[487] Crawford 2003, p. 204.

[488] Traverso *et al*. 2014-2015, p. 208.

[489] Spotorno 1854, p. 54.

[490] Spotorno 1854, p. 54. Cf. Spotorno 1854, p. 533 (*Annotazioni agli Annali di Mons. Giustiniani compilate dal Cav. P. Gio. Battista Spotorno*): "Per congiun-

According to this hypothesis, the road travelled through the Valle Scrivia and the boundaries of the Polcevera Tablet were extended to the Oltregiogo territories. Giustiniani also cites an inscription, now lost, formerly affixed to an unidentified bridge over the Scrivia torrent, bearing the words *Via Costuma Placentiam*.[491] This proposed route via the Valle Scrivia was accepted by later studies until the first half of the nineteenth century.[492]

In this regard, an examination of manuscript sources revealed the highly interesting testimony of the Dominican Gio Maria Borzino (1619-1696), whose treatise on Ligurian antiquities[493] contains a further reconstruction of the state of the boundaries and territories described in the Polcevera Tablet. On the basis of toponyms that still existed in the second half of the seventeenth century, Borzino conceived a plan that included the territories mentioned in the Tablet and the stretch of the Via Postumia going through the Valle Scrivia.

In 1815, Giuseppe Antonio Bottazzi, a canon from Tortona whose research inaugurated a series of studies on the site of Libarna, proposed a route in the Valle Scrivia that crossed the Pass of Nostra Signora della Vittoria before going through the Valle Secca and the Val Polcevera.[494] Celesia also hypothesised a route that went up the Val Polcevera as far as Pontedecimo, through the Vittoria Pass and Valle Scrivia before continuing via the pieve of Borgo Fornari, Isolabuona, Ronco, Isola del Cantone, and Pietrabissara to Libarna.[495]

The Via Postumia route recently proposed by the 'Progetto Postumia' team coordinated by Antonella Traverso is the more

gere Genova alla *Via Aurelia*, che passava di là da' gioghi fu aperta la *Via Postumia* ed è presso a poco la moderna, detta *de' gioghi*, che per Pontedecimo, Arquata, Libarna, Serravalle giunge a Novi e a Tortona".

[491] As clearly emerges from another passage by Spotorno 1854, p. 50: "Alla Podestarìa sopranominata di Voltri si continua la nobile valle di Polcevera avuta in pregio non solamente dai moderni; ma dagli antichi Romani, i quali si fecero tanto conto di quella, che tra la prima e la seconda guerra d'Africa, mandarono due Giureconsulti Romani per terminare e decidere alquante differenze che vertevano tra gli uomini di questa valle e certi altri popoli abitanti di là dal giogo, come si vedrà negli *Annali* diffusamente".

[492] Cera 2000, p. 44; Pavese 2000, p. 49.

[493] Borzino sec. XVII; Ms. Beriana n. 299, D, 2,4, 18 a cart. 67.

[494] Bottazzi 1815, p. 47.

[495] Celesia 1863, p. 43.

accessible of the proposals put forward since the year of the Tablet's discovery. This route goes via the 'corridor' of the Val Polcevera, whose low-lying passes (468 metres above sea level) ensure ease of access to the area of the Po Plain[496] (see *infra* the Appendix).

[496] [Footnote edited by S. Pedemonte] The 'variation' providing for the Via Postumia to cross the Bocchetta Pass is still one of the most accredited options today and is based on four rather important considerations: 1. it is the shortest route from Genoa to Libarna. The further east of the Bocchetta Pass, the more kilometers must be covered by the route; 2. the position of Pontedecimo, which is around ten miles from Genoa. The toponym is derived directly from the name of the Roman site known as *Pons ad decimum milium*, calculating the distance from Genoa, which is the *caput viae* (the first mention of Pontedecimo dates to 966 BC, Belgrano 1862, pp. 237-238); 3. the delimitation of the private land described in the Polcevera Tablet: "The boundaries of the private land of the Langenses are: from the lowest reach of the watercourse which rises from the spring on Manicelum, at the stream Edus; there a boundary-mark stands. Thence along the stream uphill to the stream Lemuris. Thence along the stream Lemuris uphill as far as the watercourse Comberanea. Thence along the watercourse Comberanea uphill as far as the valley Caeptiema; there two boundary-marks stand on either side of the Postumian Way". According to the leading studies on the Tablet, the *Sententia* is guided by a clear principle of continuity, following watercourses or ridges and placing *cippi* in points that are hard to identify. If we accept this principle – typical of the rational approach of the Roman *agrimensores* as well as of modern cadastral registers – the route descended from the spring *in Manicelo* along a stream as far as the Lemuris, location of the first boundary marker, given that this bank could have been mistaken for other banks (in fact, it does not have a name and is indicated only as *rivo infimo*). From here, the route went upstream along the Lemuris whose name seems to suggest that two torrents with similar names rose from the same ridge, with neighbouring springs, one flowing towards the Adriatic – the modern Lemme – and the other towards the Tyrrhenian coast (similarly to the Migliarese torrent which flows towards Busalla from the Giovi Pass, and the Migliarina, which heads in the opposite direction, or the Borbera and Dorbera, the Gottera and Gotra, the Ofanto and Ufita, the Varo and Verdon, the Dora (Riparia) and Durance, see Desimoni 1864, p. 672). The springs of the aforemention torrent are probably located near the modern Lemme, towards the Tyrrhenian coast, and therefore in proximity of the Bocchetta Pass. Other elements in support of this interpretation are the presence of the so-called *Fossato de Ruvinada* between Cesino and Pietra Lavezzara, which may correspond to a stretch of the consular road surviving in the Middle Ages; the name of Monte Passeise, which means "passing place" (as in Petracco Sicardi 1958-1959, p. 19); as well as the toponyms Madonna delle Vigne in relation to Rio Vinelasca (as in Petracco Sicardi 1958-1959, p. 36 and Boccaleri 1989, p. 63). The original Via Postumia must therefore have gone from Cesino and Pietralavezzara, possibly with an alternative route from Campomorone and Langasco (the itinerary via the Vittoria or Crocetta d'Orero Pass is suggested, for example, by Desimoni 1864 and Traverso *et al*. 2014-2015); 4. the use of this same road in the twelfth century by the Genoese in order to conquer the Oltregiogo, revealed by the presence of the *Hospitale* at Pian di Reste (800 metres above sea level) – a site whose name means 'resting place' – *San Gregorio de Ceta*,

Within the Roman world, the public-private opposition was evident in urban as well as rural contexts. For the urban context, we might consider the *fora*, basilicas, thermal baths, and roads as opposed to the dwellings and plots of private individuals; a similar contrast, in the countryside, involves public roads, aqueducts, and military infrastructures on the one hand, and private land, often occupying very small plots, on the other. This seemingly straightforward contraposition begins to waver and reveal grey areas once we begin to take a closer look at the *ager publicus*.[497] In fact, these lands "vennero ad essere nel tempo – e la vicenda graccana pesa nel nostro panorama come un macigno – sempre meno pubbliche".[498] The Gracchi brothers in fact sought to curb a widely diffused phenomenon involving most of the *ager publicus* being occupied by just a handful of landowners by imposing limits on the maximum amount of land that could be occupied, making the remaining land inalienable and then assigning it to the urban proletariat.

Gromatic sources show that in the *limitatio* of fields, the term *finis* did not refer to a pure unidimensional linearity but to a five-foot-wide strip of land between neighbouring plots that was to be left uncultivated to provide access to the fields and to allow farmers to turn their ploughs without trespassing on their neighbour's land. Linear boundaries were a conventional abstraction because wider boundary zones are found in a wide variety of contexts. The delimitation of boundaries was often more nuanced than literary sources might suggest. In fact, the constraints imposed by physical features often resulted in boundaries that were more or less conventional. Boundary markers were sometimes located along an ideal line and the entire breadth of a mountain chain might represent an incontrovertible border between two regions. For example, the Alps were already considered a geographical limit by Cato and Polybius.[499]

the abbey at Porale and Costapelata di Borlasca, all places where pilgrims and merchants could pick up supplies or spend the night. This suggests that this was an important, popular itinerary that was probably never abandoned and that may have acquired renewed strategic significance following the demographic decline in the lowlands in Late Antiquity and in the Early Medieval period (Petracco Sicardi 1958/1959, p. 20; Tacchella 1985, pp. 21, 44 e 51; Poggi 1914, p. 260). In general, see Pedemonte 2018.

[497] Cf. Burdese 1952.

[498] Capogrossi Colognesi 1999, p. 18.

[499] Polyb. 2.31.7-8.

One example of boundary definition *per extremitatem* is attested in the *Sententia*[500] *Minuciorum*, which can be dated to 117 BC on the basis of the names of the consuls mentioned in the introductory lines (the text is inscribed in the so-called Polcevera Tablet, a bronze tablet found in the Polcevera torrent[501]) and reports a boundary dispute that arose between the Genuates and the Viturii Langenses.

The text is an important document of the transitional phase towards Romanisation in the Cisalpine area, in general, and in Liguria, in particular, during the second century BC, revealing the coexistence of Roman institutions and relicts of juridical and social conditions regarding land use dating back to the archaic period that had yet to be completely obliterated. The Roman arbitrators were fully cognizant of the specific situation of the Ligurian community, which would receive Latin rights and then Roman citizenship in the century after the drafting of the *Sententia*.[502]

The epigraph inscribed on the Polcevera Tablet, also known as *Sententia Minuciorum* after the name of its two authors, belongs to a particularly delicate phase of the definition of Rome's management of the agrarian landscape, with special reference to the

[500] It would be useful to clarify the exact meaning of the lemma *sententia*, which seems misleading for several reasons. In fact, it gives the mistaken idea that a 'trial' was involved, distorting the profile of jurisdiction, given the frequent use of the expression *sententia senatus consulti* in reference to ordinary senatorial resolutions, and disregarding the fact that *sententia* alludes to a case-law response while the appropriate term would be '*iudicium*' or judgement.

[501] The Tablet is in the Villa Durazzo Pallavicini, which houses the Museo Civico di Archeologia Ligure (Pegli, Genoa), where it is the subject of a display taking up an entire room on the second floor that includes a series of finds dating more or less to the same period in which the *Sententia* was drafted. *CIL* I^2 584 = V 7749 = *ILS* 5946 = *ILLRP* 517 = *FIRA* III^2 no. 163 = *Suppl.It.* III 1987, p. 233 ad no. (Mennella) = *Suppl.It*. XXII 2004, p. 184 ad no. (Mennella). For the modern bibliography relative to the legal contents of the *Tabula*, see the fundamental contribution by Scuderi 1991a, pp. 380-387 as well as the essential studies by Lamboglia 1939, pp. 210-224 and Lamboglia 1941, pp. 215-221. A brief mention can be found in Cantarella, Guidorizzi 2010, p. 263. Cf. Cimarosti 2018, pp. 620-622, and figure 1. The *Sententia* was inscribed on several bronze tablets, only one of which was found. The tablet that survives could be the one given to the Langenses, a hypothesis supported by the site in which it was found. It has been suggested that the tablet, which may have been kept in a sanctuary or common meeting place used by the various local Ligurian tribes and situated on the slopes of Monte Pizzo, could have been washed downhill along the banks of the torrent by a landslide caused by deforestation or heavy rains.

[502] Gabba 1990a, pp. 75-76.

administration of the *ager publicus*, which had been the subject of proposals for rearrangements and redistributions, among private individuals or communities, from the time of the Gracchan *rogatio* onwards. One such example is the *lex agraria epigraphica* dated to 111 BC,[503] which was intended to transform land ownership also in the provinces.[504]

While the dispute between the Genuates and Viturii Langenses is typical of the Republican-era boundary issues in which the Roman authority was called upon to intervene as *arbiter*[505] and follows a pattern that had emerged repeatedly in the previous fifty years, there are several reasons justifying a new analysis of its legal implications:[506] in fact, the structure, contents, and application of

[503] The *lex agraria epigraphica* is a key document for studies into the forms assumed by the Roman agrarian question in the Gracchan and post-Gracchan age. One of the most complex texts of legal epigraphy in the Latin language, it has given rise to a long tradition of studies including the recent volume by Sisani 2015.

[504] Consider northern Africa, for example, where it would have been impossible to introduce a *dominium ex iure Quiritium*, recurring instead to a limited form of *possessio vel usufructus* – although the differences between these were less clear-cut than one might think.

[505] Scuderi 1991a, p. 371.

[506] We must not forget that in the final decades of the nineteenth century, a number of illustrious scholars studied the Polcevera Tablet, deeming it to be of primary interest for a 'dynamic' analysis of the relations between Rome and its subject communities, with a view to promoting broader research into the origins and techniques underpinning modern international arbitration. Think of Mommsen who, in the process of collecting material for his monumental *Corpus* of Latin inscriptions, prepared a copy of the *Tabula* in only six hours on 26 November 1844, during a memorable stay in Genoa described by Lanata in possibly the most evocative pages of her *Esercizi di memoria* (Lanata 1989). The German scholar referred to oral arbitration in the pages on the statutes of communities regulated by the *adtributio* scheme in the third volume of his *Römisches Staatsrecht* (Mommsen 1887, pp. 765 ff.), paving the way for modern studies that culminated in recent research by Luraschi (Luraschi 1988, pp. 43-71) and Laffi (Laffi 1966, pp. 55-61); other late-nineteenth-century scholars studying the technical and legal aspects of the *Sententia Minuciorum* in greater depth include Rudorff (Rudorff 1857-1859) and De Ruggiero (De Ruggiero 1893, pp. 116-127, 317-345). Twentieth-century research was dominated by epigraphic, archaeological, and paleographic investigations, with the exception of the studies by Kaser (Kaser 1942, pp. 1-81) who drew upon the *Tabula* to illustrate the typology of land rights in the late Republican period. None of the more recent analyses have introduced significant innovations to a legal reconstruction that has progressed little beyond the state of research at the end of the nineteenth century. The contributions of Arnaud (Arnaud 2006, pp. 67-80) and Patterson (Patterson 2006, pp. 139-153) are marginal. Cf. also Carlà-Uhink 2017.

this dispute are all areas deserving of further investigation from a perspective going beyond its mere 'antiquary' interest in search of harbingers of modern international arbitration *lato sensu*. The Tablet reveals Rome's intent to define the western stretch of the Via Postumia, the important consular road that was a key instrument of Roman penetration providing access to the sea from the Po Plain.[507] The legal consequences inevitably implied by this route put an end to the territorial disputes between the Genuates and the Ligurian tribes in the plains or immediate vicinity, since it marked the perimeter of the *ager* owned by the latter by means of *cippi* placed in a number of significant points (springs, confluences of watercourse, crossings of the Via Postumia mentioned repeatedly as a boundary line between properties, a *castellum*, at the foot, on the ridges, and on the peaks of hills or mountains).[508]

Rome was always very aware of the need to establish precise legal relationships between the *ager privatus* and *ager publicus* of territories coming under its jurisdiction, and encountered numerous difficulties in identifying the boundaries and sizes of the settlements situated in such territories, giving rise to numerous disputes, especially during the second century BC. The dispute between Neapolis and Nola in 195-183 BC was followed – to mention only the most important episodes – by disputes between Pisae and Luna (168 BC), Ateste and Patavium (141 BC), and between Ateste and Vicetia (135 BC).[509] In all of the circumstances mentioned, clashing communities with various types of link to Rome would request an *arbiter* to be appointed by the Senate, which would nominate senators (often a commission made up of magistrates currently holding office or former magistrates[510]), who would go to the scene and carry out in-depth investigations

[507] Basso 2007, p. 20.

[508] Unfortunately, we have only a few anepigraphic examples of the boundary markers described so precisely in the *Tabula* (*ibi termisus stat* [...] *ibi termina duo stant* [...] *inde alter trans viam Postumiam terminus stat* etc.).

[509] In the cases of Ateste and Patavium and Ateste and Vicetia, Roman intervention came about in a context that was already undergoing gradual Romanisation although we must not forget that the Veneti had been a *foederate* people since at least 225 BC Polyb. 2.23.2; 2.24.7. Cf. Bosio 1976, p. 69 who claims that this was not a *foedus* in the strict sense; Bandelli 1985, p. 27; Scuderi 1991a, p. 378 n. 44.

[510] It is undeniable, however, that the decision to nominate the Minucii brothers was motivated by their strong links to Genua.

before returning to Rome to find a way to resolve the matter.[511] The disputing communities would be convened and the definitive solution would then be read out to them in the form of a *senatus consultum*: the members of the commission would remain at the disposal of the communities in the event of further complaints with regard to the implementation of the *sententia senatus*, in a similar manner to the magistracies *dandis adsignandis iudicandis* set up in similar contexts.

Between 290 BC and 280 BC, when the Romans embarked upon their conquest of territories lying north of the Aesis (near the Adriatic coast) and north of the Arnus (towards the Tyrrhenian coast), they came into contact with very different ethnic realities. In the north-western sector, there was a strong Ligurian element, comprising various tribes, while the eastern Transpadane area was inhabited by Rhaetians and Veneti.[512]

> Nell'assoggettamento del Nord possiamo distinguere tre periodi: l'uno va dalla guerra gallica del 284-282 a.C. all'arrivo di Annibale in Italia nel 218 a.C., l'altro dal 203 a.C., momento iniziale della riconquista, alla metà del II secolo, periodo conclusivo delle guerre liguri; il terzo è caratterizzato dalle prime, saltuarie campagne militari contro popolazioni delle zone montane della transpadana, come i Salassi (143 a.C.), i *Ligures Stoeni* (117 a.C.), i Galli Carni (115 a.C.).[513]

As far as the Ligurian wars are concerned, some members of the Senate may have considered this territory strategic also with regard to Roman objectives in the Po Plain. After Rome's victory over Carthage, the reconquest of the Cisalpine area became a priority for Rome that was fundamentally in line with its overall aims. Unlike in the past, these military campaigns were closely linked to the wars

[511] More than just a legal institution, arbitration involves a type of relationship that creates a sort of environment of its own: it is a relationship between judge and the judged that is free of that unfathomable yet very real extraneousness between the two categories distinguishing legal proceedings. Arbitration represents an alternative approach to the judicial path for the settlement of civil disputes, an approach typically built upon the following elements: the disputing parties freely choose the arbitrators who will adjudicate the matter; the same parties will confer the power and authority to make a decision upon the arbitrators as well as recompensing them for this activity: La China 2011, pp. 1-2.

[512] Bandelli 1998, pp. 147-155; Bandelli 2007, pp. 15-28.

[513] Bandelli 1998, p. 147 and nn. 11-12.

against the Ligurian peoples – from Pisa towards the west and from the Ligurian coast to the Po. As a result, from 188 BC onwards, both consuls were frequently engaged in expeditions to northern Italy and, by 150 BC, most of this territory had come under Roman rule – albeit according to different models – and was being subjected to an intense process of Romanisation, emerging most significantly in the construction of new roads, including the aforementioned Via Postumia. Although not mentioned by literary sources documenting the second century BC, this important artery was opened in 148 BC and linked Genoa to Aquileia, as recalled by a milestone found along a straight stretch of the road that can clearly be distinguished today, south-west of Verona and not far from Goito.[514]

Built as a military infrastructure, the Via Postumia – defined by Fraccaro as a "defensive military road" given that it ran along an imaginary front facing the subalpine regions that had yet to undergo Romanisation[515] – was a crucial instrument in the conquest and aggregation to the Empire of the territories that it crossed.[516] In a certain sense, it came to stand for the line of Roman penetration and thus for the frontier with the Alpine north.

Rome's intervention left a profound mark on the natural environment, modifying it and adapting it to its new requirements: reclamation, regulation of watercourses, vast and highly complex surveying operations, and urbanised settlements were all part of the transformation of the Cisalpine areas that would last in the future because harmoniously integrated into the natural order. The local economy and agrarian technology, in particular, received an important impetus towards new developments.[517] In the light of this situation, it is easy to understand how so many disputes arose and what may have provoked them. The outcome was inevitably the progressive assimilation of the

[514] *CIL* V 8045. This document, together with the Polcevera Tablet, is incontrovertible evidence of the fact that the road went from Genua – a territory to which several generations of Postumii had links – to Aquileia, a Latin colony founded in 181 BC, which is where the oldest inscription bearing the name of the road was found: *CIL* V 8313 = *ILLRP* 487a. Cf. most recently Chiabà 2015, p. 146, with previous bibliography.

[515] Fraccaro 1957c, p. 197.

[516] Basso 2007, p. 20.

[517] Gabba 1990a, pp. 70-74.

conquerors' model, as confirmed by local anthroponyms and placenames.

A recent study on documented second-century-BC Cisalpine treaties has underlined that all such agreements were formulated as *foedera*.[518] Wherever historiographical accounts of such events exist, they show that one of the contracting parties requested the possibility of arbitration, making it likely that such agreements contained a special clause providing for and regulating recourse to an arbitration award.[519] It is interesting to note that the Ligurians,

[518] In order to stabilise institutional arrangements after military successes, the Romans would ratify *foedera*, treaties by means of which relations between the local populations and Rome were endorsed on a non-conflictual although not necessarily equal footing – given that one side was undeniably far more powerful than the other: on the *foedera* drawn by Rome with the Cisalpine communities, and especially with the Transpadane communities, see Luraschi 1979, pp. 23-137. The *civitates foederatae* were mostly Italic centres tied to Rome by a *foedus* (either a *foedus aequum* or, more frequently, a *foedus iniquum*) that established their rights and obligations to Rome but without the benefits enjoyed by the cities holding the Latin right or *ius Latii* (*ius commercii, connubii, migrandi, suffragii*). Like Latin-right cities, they were required to provide the Roman State with troops and supplies. In general, this type of treaty tended to perpetuate the pre-existing condition of allied city, guaranteeing the city the highest level of autonomy (but only in administrative matters and not with regard to external relations). As rightly pointed out by Harris (Harris 1972, pp. 639-645), it is important to remember that while the *civitates foederatae* were not obliged to adapt their legal structures to Roman civil and penal law, in the case of arbitration they would be subjected to Roman jurisdiction, settlement procedures, and methods. Among the *civitates foederatae* we can find, for example, Neapolis, which became a *civitas foederata* in 326 BC (see Sartori 1953, p. 20; Scuderi 1991a, p. 373 and n. 12), Nola, which became a *civitas foederata* nel 313 BC (Quindici 1984, pp. 31-61; Scuderi 1991a, p. 373), Heraclea, which became a *civitas foederata* in 272 BC, and Ravenna, which became a *civitas foederata* at the end of the third century BC. They must have enjoyed such favourable conditions – maintaining their autonomy, their own customs and laws (for Ravenna and Genoa see Cairo 2012, p. 35) – that they were reluctant to accept Roman citizenship, given that Rome always respected the institutional autonomy of the single centres – as long as they observed the political substance of their treaties – and did not demand assimilation from that variegated panorama of local magistracies like the Umbrian Maro (see Bonamente [forthcoming] in which the author mentions a travertine *cippus* with an inscription in Umbrian using the Latin alphabet referring to a Propertius Maro from Assisi that is datable to the late second - early first century BC (*CIL* XI 5389 = Forni 1987, p. 32 no. 25 = Bonamente 2019, p. 14 no. 2 = Petraccia 2019, pp. 23-24), the Samnite *Meddix*, or the Osco-Samnite *Kvaistur/Kenstur* (Toynbee 1981, pp. 263 ff.; cf. Petraccia 1988). In fact, the cities themselves soon realised that they were in the presence of an advantageous process involving a gradual political and economic permeation by Rome.

[519] Cresci Marrone 2004, pp. 29-30. Cf. also Laffi 1990, pp. 285-304. The arbitral award has always been seen as the final act, the conclusive, definitive step

who did not have a 'language of culture' like Oscan, soon started using Latin, the language of the *Sententia Minuciorum*.

Among the contributory causes of this boundary dispute we should probably also consider the changes wrought in local balances by Roman intervention for the construction of the Via Postumia. As documented in the Polcevera Tablet, in fact, the Roman Senate undoubtedly had good reason to entrust the task of settling the boundary dispute between the Genuates and Viturii Langenses to Quintus and Marcus Minucii Rufi, descendents of the same consul Quintus Minucius Rufus who had advanced from Genua in 197 BC, crossing the Apennines and subjugating the local populations as far as Clastidium.[520]

Thanks to Etruscan influence, by 500 BC Genua had already attained a proto-urban dimension, guarding the coastal road from its central position on the eponymous gulf;[521] since at least the time of Hannibal's invasion of northern Italy – when Genua remained faithful to Rome despite having been destroyed by Mago in 205 BC[522] – it had become *civitas foederata* of Rome,[523] which had on that occasion used the Ligurian city as its naval base.[524]

of the arbitration proceedings, untangling all the knots of the dispute in a single or series of rulings: by delivering the award, the arbiters fulfil their function, comply with the obligations assumed towards the parties, perfecting their duties with regard to the matter that was inaugurated with the stipulation of the arbitral agreement then advanced through their appointment and the institution of proceedings: La China 2011, pp. 209-244.

[520] Cic. *Brut.* 18.73; Liv. 32.27-31; Zon. 9.16. Cf. Bandelli 1998, p. 151 and n. 64.

[521] Strab. 4.6.7, C 205-206; Plin. *NH* 3.123; Cass. Dio 53.25.5. Cf. Keppie 1983, p. 206; Pavese 2000, p. 21 and n. 31.

[522] Liv. 21.32.5.

[523] The early stipulation of a *foedus* between the two cities seems to be borne out by the fact that, in 218 BC, Genua was the base where the consul Publius Cornelius Scipio (father of Scipio Africanus) embarked after his hasty return from the Rhône area in a vain attempt to halt Hannibal who would later defeat him at the Battle of Ticinum (218 BC) Diod. Sic. 14.93.3-4; App. *Ital.* 8. Lamboglia discusses the *foedus* between the Romans and Genuates at great length: Lamboglia 1939, p. 200; Lamboglia 1941, p. 170. This date will be subjected to a concise, targeted analysis, but for the moment we should point out that there is no consensus among scholars regarding either Genua as *civitas foederata*, or the period in which this eventually came about.

[524] Liv. 21.32.5.

Rome immediately took charge of its reconstruction[525] and, as a sign of gratitude, 'attributed'[526] a number of inland communities to the city; in addition to the Viturii Langenses, these included the Odiates, Dectunines, Cavaturines, and Mentovines (ll. 37-44):

> *Prata quae fuerunt proxuma faenisicei L(ucio) Caecilio (et) Q(uinto) Muucio co(n)s(ulibus) in agro poplico, quem Vituries Langenses / posident et quem Odiates et quem Dectunines et quem Cavaturineis et quem Mentovines posident, ea prata, / invitis Langensibus et Odiatibus et Dectuninebus et Cavaturines et Mentovines, quem quisque eorum agrum / posidebit, inviteis eis niquis sicet nive pascat nive fruatur. Sei Langueses* (!) *aut Odiates aut Dectunines aut Cavaturines / aut Mentovines malent in eo agro alia prata inmittere, defendere, sicare, id uti facere liceat, dum ne ampliorem / modum pratorum habeant quam proxuma aestate habuerunt fructique sunt. Viturie quei controvorsias / Genuensium ob iniourias iudicati aut damnati sunt, sei quis in vinculeis ob eas res est, eos omneis / solvei, mittei leiber <are> ique Genuenses videtur oportere ante eidus Sextilis primas.*
>
> Quando, nell'anno di consolato di Lucio Cecilio e Quinto Mucio, i prati dell'agro pubblico saranno prossimi al taglio (i prati dell'agro pubblico posseduto dai Langensi Viturii, di quello posseduto dagli Odiati, di quello dei Dectunini, di quello dei Mentovini e di quello dei Cavaturini), nessuno potrà tagliarvi o pascolarvi o goderne senza il consenso dei Langensi, degli Odiati, dei Dectunini, dei Cavaturini e dei Mentovini, ciascuno per il proprio agro. Se i Langensi, gli Odiati, i Dectunini, i Cavaturini e i Mentovini preferiscono costituire, cintare, tagliare altri prati in tale agro, potranno farlo, a condizione che la misura totale dei prati non superi quella dell'estate passata. I Viturii che, in occasione delle controversie con i Genuensi sono stati giudicati o condannati per ingiurie, se qualcuno è in carcere per tali motivi, i Genuensi dovranno liberarli e proscioglierli prima del prossimo 15 giugno.[527]

[525] Liv. 30.1.10.

[526] Cf. Laffi 1966, pp. 55-61.

[527] In the translation by Petracco Sicardi, leaving aside that she is discussing the Ides of June (*contra* the translation by Warmington for Loeb, in which he speaks of the Ides of August), we should point out that in both months the

> The meadows which, at the last hay-mowing, during the consulship of Lucius Caecilius and Quintus Mucius, within the limits of the public state-land in the possession of the Langenses Veturii, and the public state-land in the possession of the Odiates and the Dectunines, and the public state-land in the possession of the Cavaturini and the Mentovini – the said meadows no one shall mow or use as pasture or enjoy against the will of the Langenses and the Odiates and the Dectunines and the Cavaturini and the Mentovini, in the case of the land which any of the said peoples shall severally possess. If, on the said land, the Langenses or the Odiates or the Dectunines or the Cavaturini or the Mentovini prefer to let grow, fence off, and mow other meadows, they shall be allowed to do so provided that they hold no larger measure of meadowland than they held and enjoyed last summer. If any one of the Veturii who have been judged or found guilty in respect of quarrels with the Genuans on account of contumelious wrongs is in prison because of such matters, we think that all of them should be released, discharged, and set free before the thirteenth day of August next.

Gagliardi agrees with Laffi regarding Genoa's recourse to *adtributio* to govern populations like the Viturii Langenses who were not yet organised in civic forms in that historical moment, pointing out that this may not have been *adtributio strictu sensu* but a form of government resembling it although not yet legally identifiable as the concept of *adtributio*.[528] It is his belief that recourse to this expedient, considered as a

> sistema di governo di popolazioni sottomesse e non organizzate in forme cittadine, è attestato *per tabulas* in relazione a due soli periodi storici: gli anni della *lex Pompeia* citata da Plinio il Vecchio e l'età augustea.[529]

Ides fell on the thirteenth (Warmington) and not on the fifteenth day (Petracco Sicardi). Although this clarification does not in any way change the contents of the *Sententia*, I believe it should be made: the months in which the Ides fall on the thirteenth day are January, February, April, June, August, September, November, and December; those in which the Ides fall on the fifteenth day are March, May, July, and October.

[528] Laffi 1966, pp. 55-61; Luraschi 1979; Luraschi 1988, pp. 43-71; Luraschi 1989, pp. 249-270; Valvo 2017, pp. 25-42; Baroni 2017, pp. 221-233.

[529] Gagliardi 2006, p. 279 and nn. 431-432; cf. Scuderi 1991a, p. 381.

It should be pointed out that both the Genuates and Viturii Langenses had an 'asymmetrical' political relationship with Rome and that Genua exerted a form of authority over the latter tribe, as revealed by the fact that some of its members had been judged by the Genoese magistrates.[530] In fact, the Genuates were *foederati* of Rome and by virtue of their good mutual relations, they were effectively the Republic's *longa manus* after the conquest of the Ligurian territory in 197 BC (they had also revealed their long-standing loyalty to Rome, since Genua had proved hostile to the Carthaginians during the Hannibalic War); the Viturii Langenses, on the other hand, together with the other groups briefly mentioned in the Tablet, were *adtributi*, meaning they had their own territory and personal rights but lacked jurisdictional and administrative autonomy, depending upon the Genuates in these spheres. The nature of this trilateral connection – Rome, Genuates, and Viturii Langenses – is in itself deserving of further investigation, especially with regard to the federated community-subordinate local tribes relationship, which echoed, *mutatis mutandis*, the one between the hegemonic city and the communities with Latin rights. This has also sparked debate on how to classify the case of arbitration described in the Polcevera Tablet: not exactly 'international' (considering the unequal positions of the parties involved as well as the delicate diplomatic and political situation) or administrative (given that it cannot be considered as integrating an act of government), it would be more accurate to classify it as federal (in other words, as an expression of that hegemonic power lying halfway between protectorate and domain, especially in Italy, and that would naturally invoke Rome's arbitral function whenever peace and order were threatened by clashes between satellite communities).[531]

Soon after this reorganisation of the Ligurian territory – around 200 BC, to be precise – the Viturii Langenses came into conflict with the Genuates. The reason for the dispute stemmed from the fact that the lands belonging to the former, which had been confiscated by the victors, had been partially reassigned to

[530] Scuderi 1991a, p. 381. Cf. Gabba 1987, p. 30.

[531] This classification was introduced by De Ruggiero 1893, pp. 116-127, 317-345.

them by Rome as *ager privatus*: they had full ownership of these lands and could bequeath them to their heirs; another, larger portion of the *ager publicus* was partly assigned to the Genuates and partly granted to the Viturii Langenses in exchange for a tribute, or *vectigal*, to be paid to Rome via the Genuates, given the *foedus* existing between Rome and Genua. However, due to demographic growth and a consequent need for greater yields (also to pay the tributes due to Rome), the Viturii Langenses had begun to flank their herding activities by planting grain and forage crops, moving down into the valleys in search of more fertile land fit for this purpose. This gave rise to a dispute with the Genuates, who did not wish to lose the economic supremacy over the inland regions granted to them by Rome. Matters flared up to the point that the Genuates had imprisoned *ob iniurias* a number of Viturii Langenses, guilty of occupying lands that the Genuates held to be rightfully theirs: ultimately, recourse to the Roman Senate – as a kind of *appellatio* – was triggered by these acts of deprivation of personal liberty against which there could be no other form of appeal.

The *Sententia Minuciorum* is divided into the following sections: an initial section describing the parties, judges, and circumstances in which the decision is being pronounced (at Rome in the presence of the parties), as well as the year in which it was promulgated (ll. 1-5), in a similar manner to the *inscriptio* in the legislative *rogationes* or the beginning of the formula in private proceedings – and this aspect requires further investigation also with respect to other arbitrations of the second century BC – and bearing in mind that the yardstick must in any case be that of international treaties drawn up by Rome from the time of the Republican period.[532] A second part contains the text of the *sententia* proper (ll. 5-45), while the third lists the names of the representatives of the disputing parties (l. 46): the arbitral nature of the document explains the absence of both a *sanctio* imposing compliance with the contents and of prescriptions relative to the duration of the arrangement of interests ensuing from this decision.

[532] See *supra* pp. 29-60 of the chapter titled *The Concept of 'International' Arbitration in the Roman World*.

A preliminary investigation of the Tablet's factual content has already revealed a number of unique aspects stemming from the trilateral, asymmetric, and graduated nature of the relationship between the arbitrators and third parties that make this decision a triumph of equilibrium and moderation that aspires, at the same time, to preserving pre-existing rules and practices, insofar as this is possible, making only those amendments deemed strictly necessary.

Given that the disputed area was crossed by the Via Postumia, the consuls and Senate decided to intervene directly, sending Quintus and Marcus Minucii Rufi, the two magistrates whose names are clearly visible at the top of the inscription, to gather intelligence. After completing an in-depth survey and discussions with the disputing parties, the consuls returned to Rome where, in the presence of delegates sent by both parties, they issued a *sententia* that was made effective by the Senate on 13 December 117 BC (ll. 1-4):

> *Q*(*uintus*) (*et*) *M*(*arcus*) *Minucieis Q*(*uinti*) *f*(*ilii*) *Rufeis de controvorsieis inter / Genuateis et Veiturios in re praesente cognoverunt, et coram inter eos controvosias composeiverunt, / et qua lege agrum possiderent et qua fineis fierent dixserunt. Eos fineis facere terminosque statui iuserunt; / ubei ea facta essent, Romam coram venire iouserunt*.
>
> Quinto e Marco Minucii, figli di Quinto, della famiglia dei Rufi, esaminarono le controversie fra Genuati e Viturii in tale questione e di presenza fra di loro le composero. Stabilirono secondo quale forma dovessero possedere il territorio e secondo quale legge si stabilissero i confini e ordinarono di fissare i confini e che fossero posti i termini. E comandarono che, quando fossero fatte queste cose, venissero di presenza a Roma.
>
> Quintus Minucius Rufus and Marcus Minucius Rufus, sons of Quintus, inquired on the spot into the quarrels between the Genuans and the Veturians and in their hearing settled the quarrels between them and informed them of the conditions on which they were to hold their land and of the conditions on which boundaries were to be fixed. They ordered them to fix the boundaries and to cause boundary-marks to be set up; they ordered them to come to Rome in person when these commands were carried out.

It is worth mentioning at this point that the *deditio* of a conquered people usually evolved into clientship with the Roman general who became the patron of the defeated.[533] Clientship offered Rome a non-belligerent instrument for imposing and maintaining supremacy, a means of controlling populations that could be used either 'after a defeat or pre-emptively' and that required the vanquished to make an act of submission (*deditio*) thus becoming a client of the magistrate representing Rome at that particular moment. These ties between the leading families of the Roman aristocracy and the local elites had a positive impact, as confirmed by the importance that the Senate attributed to the Ligurian region in the aftermath of the Hannibalic War, a crucial period for Roman history.[534]

From the very beginning, the existence of these forms of clientship meant that the Senate would often assign community disputes to the patrons concerned – in this particular case, the clientship was between Genua and its patronus Quintus Minucius Rufus, and therefore also with his descendents.[535]

Interestingly, the Polcevera Tablet shows that the two patrons adopted the Roman *per extremitatem* system used to indicate the perimeter of the territory in order to define their boundaries. "The whole text might have been written to esemplify on the ground the instructions issued by Hyginus (pp. 114-115 L. = p. 74 Th.)"[536] who, with regard to boundary disputes needing to be settled *terminibus*, points out that territories are often clearly defined in this manner in public documents:[537]

> *ita ut ex colluculo qui appellatur ille, ad flumen illud et per flumen illud ad rivum illum aut viam illam et per viam illam ad infima montis illius qui locus appellatur ille et inde per iugum montis illius in summum et per summum montis per divergia aquae ad locum qui appellatur ille, et inde deorsum versus ad locum illum et inde ad compitum illius et inde per monumentum illius ad locum unde primum coepit scriptura esse*.

[533] Cf. Scuderi 1991a, p. 380 n. 60.

[534] Bandelli 1998, p. 148 and n. 24.

[535] Dion. Hal. *Ant. Rom.* 2.11.1. For the Minucii brothers' links to Genoa cf. Stahl 1986, pp. 280-307, in part. p. 298.

[536] Crawford 2003, p. 207.

[537] Hyg. Grom. *de cond. agr.* pp. 114-115 L. = p. 74 Th. [English translation: B. Campbell, *The Writings of the Roman Land Surveyors. Introduction, Text, Translation and Commentary*, London 2000].

> così ad esempio: da quella piccola collina chiamata così, a quel fiume e lungo quel fiume, a quel ruscello o a quella via, e per quella via fino alle parti più basse di quel monte, il quale luogo è chiamato così, e poi per la cresta di quel monte fino alla sommità, e lungo la sommità e lo spartiacque al luogo detto così, e poi giù verso quel luogo, e poi al bivio di quello e poi per il *monumentum* di quello al luogo da cui iniziò la descrizione.
>
> as follows: From the small hill called such and such, to such and such a river, and along that river to such and such a stream or such and such a road, and along that road to the lower slopes of such and such a mountain, a place which has the name such and such, and from there along the ridge of that mountain to the summit, and along the summit of the mountain along the watersheds to the place called such and such, and from there down to such and such a place, and from there to the cross-roads of such and such a place, and from there past the tomb of such and such to' the place from which the description began.

The Polcevera Tablet refers to this very method, describing the perimeter of the *ager privatus* followed by that of the *ager publicus* of the Viturii Langenses before returning to the point of departure. It begins *ab rivo infimo, qui oritur ab fontei in Mannicelo*. Moving upwards from the valley, it begins at the point where the stream flows into a larger watercourse (*ad flovium Edem*), where a boundary marker stands (as in other significant locations).[538] The boundary markers are all situated in salient points[539] generally where the boundary changes direction to follow the natural limits formed by rivers, mountain ridges, or watersheds – as pointed out by gromatic sources.[540] Obviously, the markers were not situated at fixed intervals but had to adapt to the territory; given the mountainous nature of the terrain in the Polcevera basin, it was demarcated by short segments requiring further explanations as clearly emerges from the Tablet and from the vast body of rules regulating land use.

[538] Petracco Sicardi 1958-1959, p. 13; cf. Pasquinucci 1995, pp. 52-58; Crawford 2003, pp. 204-210; Pasquinucci 2004b, pp. 476-477.

[539] For a cartographic reconstruction according to the principles of the *gromatici*, refer to Petracco Sicardi 1958-1959, p. 8.

[540] Sic. Flacc. *de cond. agr.* p. 163 L.

The sentence issued by the Minucii brothers was impartial and lenient towards the Genuates, confirming their privileges while at the same time not damaging the Viturii Langenses, aiming at an effective reconciliation. This emerges from the fact that the Genuates making use of the *ager publicus* are also required to pay the *vectigal* to Genua as well as complying with resolutions passed by the Viturii Langenses (ll. 29-35):

> *Eus quei posidebunt, vectigal Langensibus pro portione dent ita uti ceteri / Langenses, qui eorum in eo agro agrum posidebunt fruenturque. Praeter ea in eo agro ni quis posideto, nisi de maiore parte / Langensium Veituriorum sententia, dum ne alium intro mitat nisi Genuatem aut Veiturium colendi causa. Quei eorum / de maiore parte Langensium Veiturium sententia ita non parebit, is eum agrum nei habeto nive fruimino. Quei / ager compascuos erit, in eo agro quo minus pecus* [*p*]*ascere Genuates Veituriosque liceat ita utei in cetero agro / Genuati compascuo, ni quis prohibeto nive quis vim facito, neive prohibeto quo minus ex eo agro ligna materiamque / sumant utanturque. Vectigal anni primi k*(*alendis*) *Ianuaris secundis Veturis Langenses in poplicum Genuam dare / debento*.
>
> Tali possessori pagheranno la tassa ai Langensi secondo la loro porzione così come gli altri Langensi che possederanno e godranno un podere in tale agro. Oltre a questi possessi, nessuno potrà possedere se non con l'approvazione della maggioranza dei Langensi Viturii e condizione che non faccia subentrare un altro, Genuate o Viturio, per coltivare. Chi non obbedirà al parere della maggioranza dei Langensi Viturii non avrà né godrà tale agro. Nell'agro che sarà compascuo, nessuno proibisca né impedisca con la forza ai Genuati e ai Viturii di pascolare il bestiame, così come nel resto dell'agro compascuo genuate; e nessuno proibisca che vi raccolgano legna e legname e ne facciano uso. La tassa del primo anno i Langensi Viturii debbono versarla al Tesoro di Genua il 1° gennaio dell'anno successivo.
>
> Those who shall possess a holding must pay to the Langenses a charge in the same proportion as the remaining Langenses such of them as shall possess and enjoy any area within the said land. Furthermore within the said land no one must possess a holding unless it be by a majority-vote of the Langensian Veturii, and on condition that he admits no other onto his holding for the purpose of tilling unless he be a Genuan or a

> Veturian. If any of the said persons shall not appear to obey this condition (by a majority-vote of the Langensian Veturii), he shall not keep the land or enjoy it. No man shall hinder the Genuans and the Veturii from pasturing cattle, on such of the said land as is associate pasture-land, in the way in which it is allowed on the remaining associate pasture-land of Genua, and no man shall use force or hinder them from taking from the said land firewood and building-timber and using the same. The Langensian Veturii are required to pay into the public treasury at Genua a first year's rent on the first day of January next but one.

The text in lines 32-35 dictates the main provisions relative to the *ager compascuus*.[541] It takes into account both ownership and possession of lands, distinguishing between *ager privatus, publicus*, and *compascuus*, which the Roman arbitrators consider to be three different categories of land. The text provides that the *ager compascuus* was to be open to both communities to pasture their livestock and that no one could hinder them from grazing their flocks freely or collecting firewood. However, it is impossible to establish just to what extent the Roman model of land-use was adopted in Ligurian territories or the Roman terminology could be applied to a situation as different as the one 'captured' in the *Sententia Minuciorum*.

Even scholars like Sereni[542] who are inclined to believe that Roman terminology cannot be applied to the Ligurian reality of that period still acknowledge that the Minucii brothers clearly indicated three characteristics of the *ager compascuus*. First and foremost, unlike the *ager privatus* and *publicus*, the *compascuus* is open for grazing and the collection of firewood although there is no reference to the possibility of using this land to grow crops. Secondly, the use of this category of *ager* is limited to the two communities expressly mentioned (Viturii Langenses and Genuates). Lastly, unlike the other two categories of *ager*, there is no description of its boundaries. According to Scuderi, this type of land must have been situated in mountainous areas belonging to Genua, but

[541] Recently, Laffi carried out a careful systematisation of the sources on the *ager compascuus*, putting forward a new construction of its interpretation: Laffi 2001c, pp. 381-398. Cf. the recent development by Merotto 2016.

[542] Sereni 1954, pp. 443-445.

left accessible for use by both communities, in accordance with the ancient Ligurian custom of intertribal *compascuus*.[543]

Serrao has written a trenchant synthesis of the scant sources available with regard to the *ager compascuus*, shrewdly observing that

> in origine né privato né pubblico né individuale né in comunione (o comune), ma collettivo (fra i proprietari *proximi*, così come lo era stato fra i componenti di una comunità collettivistica), man mano che la città aumentava di forza e autonomia nei confronti dei gruppi gentilizi e familiari, venne sempre più considerato *ager publicus*. E l'evoluzione sembra arrivata al suo epilogo, se non prima, almeno con la *lex agraria* del 111 a.C., dove il compascuo esistente è regolato e limitato e per il futuro è proibita la destinazione a *compascuus* di altro *ager publicus*.[544]

According to Capogrossi Colognesi, on the basis of the sources available to us, it is possible to deduce both that the *ager compascuus* came under the jurisdiction of the *Res Publica* and was intended for the exclusive use of neighbouring landowners and the opposite: that is, that the *ager compascuus* comprised lands that were "di volta in volta pubbliche o private, o, addirittura, pubbliche e private insieme".[545]

Strictly speaking the *ager publicus* must be considered as *populi Romani*, because it resulted from the military conquest of the territories of inland populations even though Rome had ceded the right to use it to Genua, as a further recompense for the city's loyalty. In fact, the *possessores* were required to pay a *vectigal* that the *Sententia Minuciorum* expresses in the form of money or as part of the crops:[546]

> *Quem agrum poplicum / iudicamus esse, eum agrum castelanos Langenses Veiturios po*[*si*]*dere fruique videtur oportere. Pro eo agro vectigal Langenses / Veituris in poplicum Genuam dent in an*(*n*)*os singulos vic*(*toriatos*) *n*(*ummos*) *CCCC. Sei Langenses*

[543] Sereni 1954, pp. 13-42; Sereni 1955, pp. 353, 441-562; Boccaleri 1996, pp. 23-42. Cf. most recently Guida 2016, p. 245.

[544] Serrao 2006, p. 398.

[545] Capogrossi Colognesi 1999, p. 29. Cf. Guida 2016, pp. 233-241.

[546] Scuderi 1991a, pp. 381-382. Cf. Gabba 1987, p. 30.

> *eam pequniam non dabunt neque satis / facient arbitratuu Genuatium, quod per Genuenses mo[r]a non fiat, quo setius eam pequniam acipiant, tum quod in eo agro / natum erit frumenti partem vicensumam, vini partem sextam Langenses in poplicum Genuam dare debento / in annos singolos*.
>
> Sembra opportuno che i castellani *Langenses Viturii* debbano avere il possesso e il godimento di questo agro che giudichiamo essere pubblico. Per questo agro i *Viturii Langenses* diano, quale contributo, all'erario di *Genua* ogni anno 400 'vittoriati'. Se i *Langenses* non pagheranno questa somma e nemmeno soddisferanno i *Genuates* in altro modo, beninteso che i *Genuates* non siano causa del ritardo a riscuotere, i *Langenses* saranno tenuti a dare ogni anno all'erario di *Genua* la ventesima parte del frumento prodotto in quell'agro e la sesta parte di vino.
>
> For the said land the Langensian Veturii shall pay into the public treasury at Genua every year 400 pieces of the 'Victory' stamp. If the Langenses fail to pay the said money and do not give satisfaction according to the will and pleasure of the Genuans (on such condition that it is not through the fault of the Genuans that any delay hinders them from receiving the money) – in this case the Langenses shall be required to pay into the public treasury at Genua every year one twentieth part of the corn and one sixth part of the wine which shall have been produced on the said land.

The Viturii Langenses were not required to pay any levy for the use of *ager privatus*, and were allowed to sell it or bequeath it to their heirs (ll. 5-6):

> *Qua ager privatus casteli Vituriorum est, quem agrum eos vendere / heredemque sequi licet, is ager vectigal(is) nei siet*.
>
> In base alla quale sentenza, esiste un agro privato del castello dei Viturii il quale agro possono vendere ed è lecito che sia trasmesso agli eredi. Questo agro non sarà sottoposto a tassa.
>
> Wherever there is private land belonging to the fortress of the Veturii, land which they may sell and which can pass to an heir, the said land shall not be put under charges.

As mentioned, the contents of the *Sententia Minuciorum* reveal its uniqueness, which results from the trilateral, asymmetric, and

graduated nature of the situation involving arbiters and disputing parties, making it a triumph of equilibrium and moderation that aspires to the preservation of accepted and consolidated ways of life, changing only what is strictly necessary: yet another example of Roman pragmatism. The structure of the *Sententia Minuciorum* provides all those wishing to study the development of the arbitral technique in later periods and in similar circumstances with an essential reference tool:

1. recognition of the ownership rights of the Viturii Langenses over their *ager privatus*. This land could be sold and inherited, and was not subject to any form of *vectigal* (ll. 5-6): it is hard to classify because the land defined as 'private' is the land belonging to the community of the Langenses, not the land owned by its individual members, unlike the *ager publicus*, which has been given to the community by Genua for its use;
2. delimitation of the boundaries of the *ager privatus* (ll. 6-13) and *publicus* (ll. 13-23) of the Viturii Langenses;
3. rights and obligations of the single Viturii Langenses and of their entire community in the regards of the Genuates, who had ownership of the *ager publicus* (ll. 23-42): the *sententia* distinguishes between the *ager publicus* used for cultivations, *compascua*, and *prata*. With regard to the former, the Viturii Langenses are required to pay a total annual amount to Genua (400 *victoriati* or, failing that, one twentieth part of the corn and one sixth part of the wine produced): in order to scrape together this amount, the assembly of the Viturii – that is, the majority of its members – could assign the temporary or permanent possession of the single plots to its members or even to the Genuates (but to no one else) in exchange for payment of a *vectigal pro portione* (but without the right to evict occupants that had settled here for a certain period of time). The *compascua* of both communities could be freely used by both peoples as pastureland and for the collection of firewood, while the *prata* were to be managed by the Viturii Langenses who possessed them on the first of September in the year of the verdict, and were to be accessible also to the four smaller communities mentioned in the arbitral proceedings. Although the area occupied by these meadows could not be increased, it was pos-

sible to change their intended use following prior agreement with the Viturii Langenses;

4. an order to release, within the next six months, any imprisoned Viturii Langenses and invitation to the disputing parties to turn to the arbitrators in the event that there were further reasons for conflict (ll. 42-45).

It should be pointed out that Rome had no intention of imposing its laws by means of this arbitral procedure, but merely to enshrine pre-existing legal relations between Genoa, a confederated yet formally autonomous city, and a community subject to it, by means of the precise definition of the boundaries of the contested lands and of the use of this land by the two disputing parties, and to a lesser extent, also by the other Ligurian communities mentioned in the Tablet.

The verdict also defined the boundaries of the private land belonging to the Viturii Langenses, for which they were not required to pay any rent. Both the Genuates and Viturii Langenses had the right to use the public land, whose boundaries were also defined in the verdict; however, in this case the Viturii Langenses were required to pay the Genuensis treasury an annual rent of 400 *victoriati*, eventually payable in kind (corn or wine). The eventual future assignment of plots situated on public land to single Viturii Langenses or Genuates colonists would be established by the community of the Viturii Langenses, in exchange for the payment of a tax by the new colonists.

M. F. P.

APPENDIX

THE LIGURIAN STRETCH OF THE VIA POSTUMIA. REFLECTIONS AND SUGGESTIONS ARISING FROM THE ARCHAEOLOGICAL EVIDENCE

by Antonella Traverso[547]

Mihi nunc Ligus ora intepet hibernatque meum mare,
qua latus ingens dant scopuli et multa litus se valle receptat.
(Pers. 6.6-8.)

The route of the stretch of the Via Postumia crossing the Ligurian territory has been among the most hotly debated topics in archaeology from the nineteenth century to the present day. In fact, ever since the discovery in 1506 of the bronze tablet of the Val Polcevera, whose text contains three mentions of the consular road,[548] numerous scholars have engaged in discussions about the topographical implications of this legal document.[549]

[547] Mibact officer and director of the Luni, Balzi Rossi, and Chiavari museums (Liguria).

[548] Actually, the Tablet mentions the consular road four times in the description of the *ager privatus*; however, on two occasions (the second and third), it is clearly referring to the same place meaning that there are a total of three distinct places: [...] *inde rivo Comberanea susum usque ad comvalem Caeptiemam ibi termina duo stant circum viam Postumiam ex eis terminis* ... (omissis) *inde sursum rivo recto Vinelesca / ibei terminus stat propter viam Postumiam inde alter trans viam Postumiam terminus stat ex eo termino quei stat / trans viam Postumiam recta regione in fontem in Manicelum.*

[549] There is a vast recent bibliography devoted to studies of the Ligurian stretch of this key route in the Roman road network. For an overview of the most significant contributions on the Postumia route, see n. 486 on p. 144 of the chapter titled *The Polcevera Tablet*, of which this Appendix is an integral part as well as a useful reference in terms of information and documentation regarding the stretch of this important consular road that continues to be the subject of research and studies today. It is worth recalling at least the contributions published on the occasion of the 1994 Study Day devoted to the Polcevera Tablet and those published in connection with the exhibition on the Tablet held in 1998. Lastly, we should also consider the recent preliminary results that have emerged thanks to the 'Progetto Postumia', coordinated by the author.

The Polcevera Tablet, along with a milestone[550] believed by some to come from Redondesco (Mantua)[551] and containing references to the consul Spurius Postumius Albinus and the distances from Genoa and Cremona, is considered to be one of the oldest documents making explicit reference to the Via Postumia and its route.

The first historical reference to this tablet was made in 1520 by Giustiniani who followed this mention with an extremely detailed description in 1537. The Ligurian bishop and geographer is the historical source chronologically nearest to the time of the discovery of this exceptional artefact, lending weight to the reliability of the information that he provides. It might be worth quoting the exact words that Giustiniani uses in his *Castigatissimi Annali* of Genoa describe the lucky discovery:

> trovolla un paesano Genoate Agostino di Pedemonte l'anno 1506 nella valle di Polcevera nella villa di Izosecco sotto terra, cavando con la zappa in una sua possessione.[552]

Giustiniani's words allow us to identify, with a certain degree of accuracy, the "villa di Izosecco" as the location of this extraordinary find, whose legal value would certainly have justified its erection in the vicinity of the territories listed in its text.

But where was the "villa di Izosecco" located at that time? Scholars seeking to resolve this dilemma can refer to a map in the Archivio di Stato di Genova datable to the mid-seventeenth century and delineating the properties owned by Lazzaro Maria Cambiaso that identifies the pleasant hill that is the site of the church of Santa Maria di Pedemonte "ossia Izosecco"[553] (fig. 3a-b). By cross-referencing the information provided by Giustiniani with this important cartographic data, we can identify the site where the Polcevera Tablet was found as being located on the slopes of Santa Maria di Pedemonte – on the banks of the Secca torrent – a left-hand tributary of the Polcevera torrent (fig. 3b).

[550] Now in the Museo Maffeiano, Verona (*CIL* V 8045).

[551] Locality situated between Cremona and Mantua. See Cera 2000, pp. 9-10.

[552] Spotorno 1854, p. 116.

[553] *Pianta degli effetti situati sul fiume Secca in Polcevera* by S. E. Lazzaro Maria Cambiaso [ASGE 1761]. Archivio di Stato di Genova.

Fig. 3a
Church of Santa Maria di Pedemonte also known as Izosecco/Isosecco
[*Pianta degli effetti situati sul fiume Secca in Polcevera*
by S. E. Lazzaro Maria Cambiaso (ASGE 1761)].

Fig. 3b
Precise position of the place named Izosecco/Isosecco.

It is hardly surprising, therefore, that Giustiniani – benefitting from his familiarity with the site – would refer to the data contained in the Tablet to extract the information necessary to identify the Ligurian stretch of the Via Postumia, which goes from Genoa to Libarna (the first stop). He writes:

> E di là da giogo di Ricò, il quale è discosto dalla Marina quattordici miglia, si offende la villa di Buzalla, ed il Borgo dei Fornari,

> terre dei nobili Spinoli col fiume Scrivia, e l'antica via *Posthumia*, oggi nominata via *Costuma* ossia *Costumia*, per la quale si va a Ronco, all'Isola, ad Arquata, a Serravalle ed a Nove.[554]

The hypothesis put forward by the Genoese bishop was that the Via Postumia went through the Giovi Pass to reach the Valle Scrivia. His proposal was widely accepted until the first half of the nineteenth century,[555] and continued to appear in later studies that also identified the Giovi or Crocetta d'Orero passes as likely routes connecting the Val Polcevera to Valle Scrivia before going on to Libarna.[556]

A significant new development was introduced by twentieth-century studies, which saw the diffusion of Monaco's hypothesis[557] suggesting that the road went through the Bocchetta Pass to reach Gavi and Serravalle, while Lamboglia – who, on the one hand, apparently accepts this hypothesis[558] and identifies the Castellum Alianus mentioned in the Tablet with a post in the territory of Langasco, in the Bocchetta Pass[559] – seems also to propose a route going from Genoa to Pontedecimo, following the modern course of the Polcevera and the axis between the Secca and Sardorella torrents.[560]

Today, this route which crosses the Pian di Reste and goes through the Bocchetta Pass[561] is still the hypothesis accepted by

[554] Spotorno 1854, p. 54. Cf. Spotorno 1854, p. 533 (*Annotazioni agli Annali di Mons. Giustiniani compilate dal Cav. P. Gio. Battista Spotorno*): "Per congiungere Genova alla *Via Aurelia*, che passava di là da' gioghi fu aperta la *Via Postumia* ed è presso a poco la moderna, detta *de' gioghi*, che per Pontedecimo, Arquata, Libarna, Serravalle giunge a Novi e a Tortona".

[555] Cera 2000, p. 44.

[556] Celesia 1863, p. 43. Cf. Bottazzi 1815, pp. 46-47.

[557] Monaco 1936, pp. 67-70.

[558] Lamboglia 1941, pp. 215-221.

[559] Lamboglia 1939, p. 236: here the author identifies the river Ede with the Verde and suggests locating the *fons in Manicelo* in the proximity of this river, which flows into the Polcevera torrent at Pontedecimo (p. 237). The hypothesis formulated elsewhere (p. 218), which suggests placing the *fons in Manicelo* "vicino al castello langense" seems to conflict with his previous affirmations. However, the author also suggests identifying the Vinelasca with the Riasso stream (p. 219), a right-hand tributary of the Polcevera, which flows down towards the Salita dei Giovi (p. 223), therefore implicitly substantiating the hypothesis that this was the route of the Via Postumia – although this is hard to verify – following the Giovi line.

[560] Lamboglia 1939, pp. 210-224.

[561] On the differing hypotheses, cf. Pasquinucci 1998, pp. 213-214.

the majority of twentieth-century scholars, possibly also thanks to the essential contributions made to the study of Ligurian place-names by Petracco Sicardi[562] (fig. 4).

Fig. 4
Three different proposals for the route taken by the Via Postumia from Genoa to Libarna.

[562] Petracco Sicardi 1958-1959; Petracco Sicardi 1985, pp. 87-92 and therefore all of the most recent studies including most notably Pasquinucci 2014; Launaro 2006-2007; Menchelli, Pasquinucci 2004; Boccaleri 2006; Mennella 2004; Boccaleri 2002a; Boccaleri 2002b; Melli 2001; Barozzi 2000; Cera 2000; Mennella 1998.

1. *Archaeological elements*

Recent archaeological finds made in the northernmost corner of Liguria in various sites scattered along the Valle Scrivia – on the hillsides surrounding Isola del Cantone (Genoa) – have made it necessary to review this most recent hypothesis regarding the route of the Via Postumia and to take a fresh look at some of the suggestions made by Giustiniani and, to some extent, confirmed by Lamboglia.[563]

The Isola del Cantone finds included fragments of at least two *fibulae* belonging to the *Maskenfibeln* type with a knob terminal, four small shield-shaped brooches, a bronze spiral bearing the marks of an iron pin (possibly a belt buckle), a small bronze laminar disc with a punched radial pattern as well as an amalgamation of at least two further shield-shaped brooches and a catch-plate.[564]

These recent finds (2013) acquire even greater relevance when considered in context. Another example of *Maskenfibel* with an L-shaped pin,[565] almost identical to the one mentioned above, was found a few years ago on the slopes of a hill just a few dozen metres from the most recent finds[566] (fig. 5a-b-c), while the presence of the amalgamation – we can make out a *fibula* catch-plate and shield-shaped brooch as well as a triangular-section interlocking nail – suggests that the material found near Isola del Cantone originates from a burial site disturbed by modern ploughing. The amalgamation, in particular, could be the result of a partial refusion on the funeral pyre of grave goods from one or more burials in this small pass between Isola del Cantone and the south Piedmontese offshoots of the Apennine range.[567]

We believe that all of these artefacts – especially the three *Maskenfibeln* and four shield brooches – are of great significance for our knowledge of this consular route, precisely because of the

[563] With reference, in particular, to the route along the upper Valle Scrivia and identification of the Neviasca with the Scrivia torrent (Lamboglia 1939, pp. 218-219).

[564] Traverso *et al.* 2014-2015, pp. 203-220.

[565] Pastorino, Traverso 2015, pp. 101-117.

[566] Pastorino, Pedemonte 1999, pp. 115-124.

[567] Pavoni, Podestà 2008.

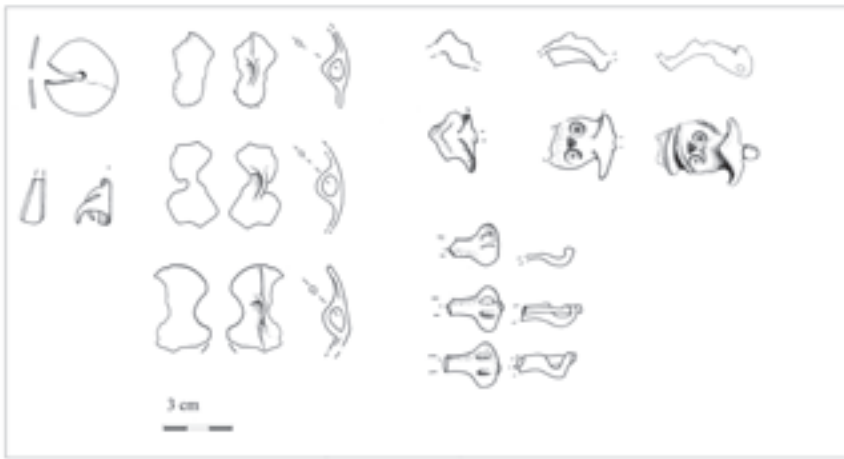

Fig. 5a
Finds from Isola del Cantone (Ge) [Traverso *et al.* 2018].

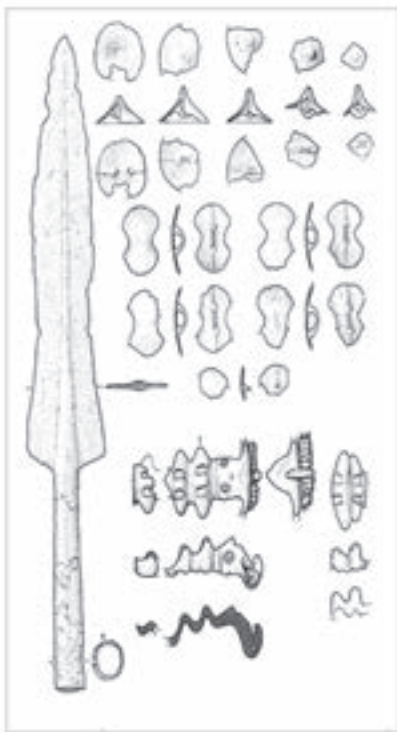

Fig. 5b
Finds from Libarna - Rio della Pieve (Al) [Pastorino, Venturino Gambari 1991].

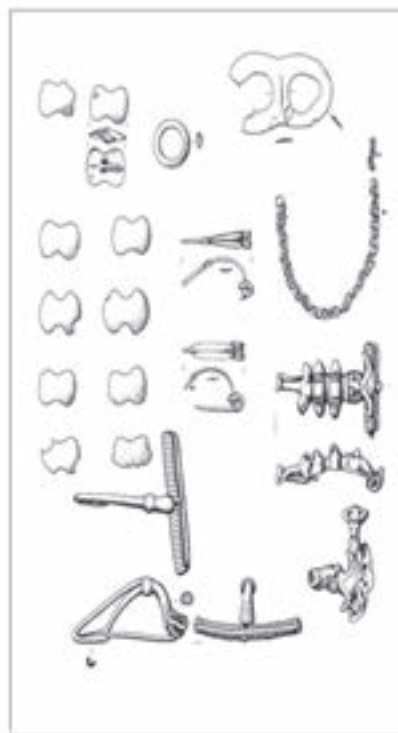

Fig. 5c
Finds from S. Agata di Pressana (Vr) [Salzani 1996].

convincing comparisons with the same type of *fibula* found in the Padana area near the Rio della Pieve by Libarna[568] as well as in the Veronese territory.[569] The *fibulae* in all of these cases are inspired by the Gallic tradition but interpreted as an element of the Ligurian *ethnos* suggesting a chronology between the end of the third century BC and the mid-first century BC, in other words, coinciding with the period when the Via Postumia was first opened[570] (fig. 6a-b).

The location of similar finds in the furthest offshoots of our region, along the Scrivia torrent channel and the discovery of very similar artefacts near Libarna (AL) and Sant'Agata di Pressana (Verona), along the Postumia route seems to lend weight to a consular route between Isola del Cantone[571] and Genoa; this hypothesis supports the northern Valle Scrivia route put forward in older studies before being replaced in more recent times by the 'Bocchetta variation'.

Accepting the plausibility of this route going from north to south through the Valle Scrivia, we should also point out the existence of two stretches of road still known by the toponym of Postumia – perhaps a linguistic relict from ancient times: one is a street running through the village of Isola del Cantone and the other a road crossing a hamlet in the municipality of Ronco Scrivia whose modern name is Villavecchia (fig. 4 and fig. 6a).

In the light of these considerations, another group of finds from the late 1980s acquires greater significance, precisely because of its location beside the Scrivia; one at Castellaro di Isorelle and the other at Cian da Pila, between the Ponte di Savignone hamlet and Casella, where fragments of black glazed wares with many fluitation marks were found.[572]

[568] Pastorino, Venturino Gambari 1991.

[569] Salzani 1990, pp. 189-195.

[570] Close comparisons can be made with the Rocca Grimalda sites, which are also in the Alessandrino area (Venturino Gambari 1983, p. 147) and Casal Cermelli (Lo Porto 1952, pp. 46-66).

[571] The discovery of the *Maskenfibeln* also makes it possible to re-evaluate two sporadic coins found over thirty years ago (also in the municipality of Isola del Cantone): an as of Trajan and a coin minted under Gordian III from the locality of Giretta, on the left bank of the Scrivia (Cornero, Pedemonte 1992).

[572] Pastorino 1981, pp. 468-473.

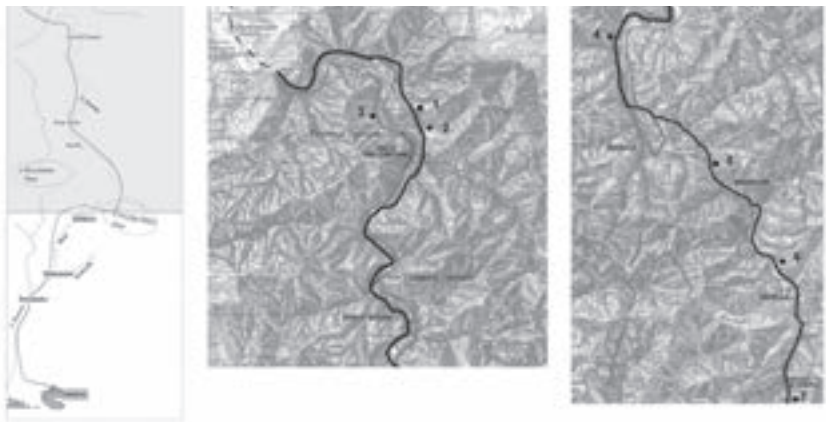

Fig. 6a
The new stretch of road (north of the Crocetta d'Orero Pass) proposed here. List of finds: 1-2. *Maskenfibeln* type; 3. Roman coins; 4. Church of Santa Maria de Ceta; 5. Sporadic Roman finds; 6. Second Iron Age *fibula*; 7. Niusci hoard.

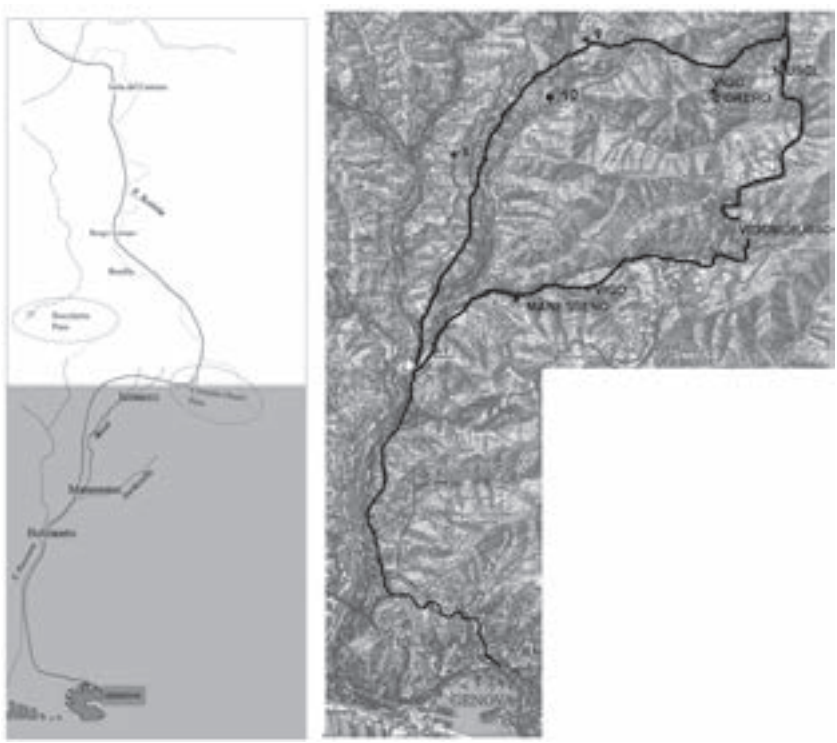

Fig. 6b
The new stretch of road (south of the Crocetta d'Orero Pass) proposed here. List of finds: 8. Roman finds; 9. Medieval finds; [10. Izosecco/Isosecco].

Re-examining the route from Isola del Cantone to Casella, we note its proximity to the easiest and most direct access point from the Apennines to the sea: the Crocetta d'Orero Pass, which lies at an altitude of 468 metres, making it the lowest Apennine pass in the Genovesato, that is, Genoa and its territories.[573]

Most significant therefore is the fact that the nearby hamlet of Niusci was the site of the fortuitous discovery of the so-called 'tesoretto di Niusci',[574] a hoard of coins hidden between two huge rocks and discovered during the construction of the Genoa-Casella railway line at the beginning of the twentieth century.

The hoard, which consisted of drachmas and oboli minted in Massalia or imitated in the area of the Po Plain (possibly by mints in the Apennine area[575]), has been interpreted[576] as a votive offering or votive deposit gradually built up during the course of time (third-first century BC[577]), presumably in connection to its function as a passage and therefore in payment for the transit of people and goods between the Val Polcevera and the Valle Scrivia.

If we accept the Crocetta d'Orero Pass as the point where the Via Postumia may have crossed the Ligurian Apennines, the road may have continued along one of two routes:

1. The first runs along the left ridge through Niusci and the following localities lying in an area of ten square kilometres, all of which have curiously maintained the suffix *vico* or *vigo* in their names (Vigo di Casanova, Vicomorasso, Vigo d'Orero, and

[573] In this regard, we should point out that the Bocchetta Pass is far higher and is now at 772 metres above sea level but until 1583, the year in which the Republic of Genoa opened the new road, it was even higher (over 800 metres above sea level) and therefore even harder to reach.

[574] Torre 2005.

[575] This hypothesis is supported by the fact that from the seventeenth century onwards, the presence of "previously exploited" silver mines is documented in the upper Val Polcevera and in the Borzoli area (Pipino 2005, pp. 85 ff.). Moreover, analyses of the silver content reveal the inhomogeneity of a group of coins attributed to the Viturii (Agostino *et al.* 2012).

[576] Piana Agostinetti 1996, pp. 195-218; Barello 2004, pp. 10-21; Arslan 2009, pp. 119-144; Gorini 2011, pp. 281-294.

[577] Although there is a lack of consensus among scholars with regard to dating, the tendency today is to opt for a later chronology ranging from the second century BC to the mid-first century BC.

further down in the valley, near Manesseno, Arvigo[578]). Continuing along the hilltop, through Casanova di Sant'Olcese, the road might have reached the Roman period site of Campora di Geminiano where road construction works carried out in the mid-1970s led to the discovery of several fragments of pottery belonging to two separate chronological phases:[579] an earlier phase in the late Republican period and a successive phase, after a rather sharp gap, in the late Imperial era. Dating to the latter period were a series of large *tegulae* with raised edges and *imbrices* whose presence, according to Mannoni, can be interpreted as a sign that the rural areas were being repopulated after the productive/demographic crisis.[580] Given these premises and the existence of an ancient, possibly pre-Roman track[581] going at least as far as Campora di Geminiano, it is possible that the route continued along the hillside reaching Genoa via the Granarolo hill;[582]

2. The second route heads right after the Crocetta d'Orero Pass, running along the hillside, where the ISCUM research group has discovered sporadic, later tiles near the localities of Serra and Campora.[583] Continuing along the hillside, it may well have gone past the locality of Magnerri (another 'tile station'[584]) home to a church of ancient origin called San Martino di Magnerri with legendary links to the apostolate of St Clair (seventh century AD) and to the procession of Liutprand bearing the mortal remains of St Augustine to Pavia.

[578] We should point out that sporadic fragments of brick and coarse pottery have been found in Vicomorasso and Vigo d'Orero (Garibaldi 1985, p. 23 fig. 3; Bianchi 1996, pp. 63-80).

[579] D'Ambrosio 1985b, pp. 70-71.

[580] The toponym Campora is attested with reference to two other sites in the Val Polcevera, one of which has produced similar tiles (Mannoni 1983; Garibaldi 1985, p. 24).

[581] Garibaldi 1985, p. 24.

[582] Mannoni 1983, p. 153. The recent sporadic find of a part of a *Maskenfibel* Allein *fibula* (personal opinion expressed by S. Trigona, official of the Soprintendenza MiBACT della Liguria) in the zone between Via Piani di Fregoso and Via al Forte di Begato may confirm the hypothesis already put forward explicitly by D'Ambrosio 1985b.

[583] Mannoni 1995, pp. 95-190.

[584] Mannoni 1995, p. 190.

At this point the road may have followed the Morego ridge separating the Val Polcevera from the Secca valley as far as Favareto, site of the rural chapel of San Michele di Castrofino, whose antiquity is confirmed by an epigraph on a wall inside the building dating to between the sixth and eighth century AD.[585] Continuing southwards, the road would have reached the site of San Cipriano, a settlement on the top of a small hill where excavations carried out in the late 1960s and early 1980s revealed two phases of settlement (interrupted by a long hiatus[586]): evidence of the earlier phase took the form of black-glaze pottery that was mainly imitation but with a significant presence of imports from the northern maritime Etrurian coast dating from between the third century BC and the early decades of the second century BC, while the later phase has materials datable to the late Republican period. The ridge behind the hill of Santa Maria di Pedemonte – where the Polcevera Tablet was found – ends at the confluence of the Secca and Polcevera torrents; as pointed out in the context of the Postumia research project, this is an area of gently sloping hills with good exposure, abundant water sources, and no steep gradients (the route goes from 150 metres above sea level at Morego to 450 metres above sea level at Serra Riccò with a slow, gradual change in gradient with no sudden ups-and-downs). Also in this case, an Imperial-age coin was found some years ago near the confluence of the two watercourses near the Cremeno locality (Case Santin).[587] Continuing in this direction, the road could have descended to the valley floor, running along the left bank of the Polcevera as far as Genova Bolzaneto (where the main Barchette crossing was still attested in the fifteenth century)[588] and continuing via Rivarolo to the coast.

[585] Caprini 1981, pp. 17-32; De Vingo, Frondoni 2003, pp. 32-36 (with previous bibliography).

[586] D'Ambrosio 1985a, p. 49.

[587] Garibaldi 1985, p. 22.

[588] See *infra*: *Cartographic, toponymic, and linguistic data* [...].

2. *Cartographic and toponymic data on the ancient road network of the Val Polcevera*

What is probably the most significant outcome of the Postumia Project arose from the re-examination of the toponymic data contained in the Polcevera Tablet and a comparative analysis of available archival documentation from the Middle Ages. The two different descriptions contained in the Tablet refer to the *ager privatus* and *ager publicus*, respectively, using a recurrent series of geographic definitions:

FINEIS AGRI PRIVATI						
FLOVIA	*MONTES*	*RIVI*	*IUGUM*	*FONTES*	*COMVALIS*	*CASTELLUM*
1 Ede/Edem		Comberanea		in Manicelo/ Manicelus	Caeptiema	
2 Lemuris		Vendupalis/ Vindupalis				
3 Neviasca		Vinelasca/ Vinelesca				
4 Procobera						
FINEIS AGRI POPLICI						
Edus/Porcobera	Lemurinus	Eniseca	Blustiemelum	Lebriemelus		Alianus
5 Veraglasca	Procavus					
6 Tulelasca	Ioventio					
	Apenninus					
	Boplo					
	Tuledo					
	Berigiema					
	Prenicus					
	Claxelus					

Assuming that the arbitrators drafting the text were well aware of the terminological difference between *flovium* and *rivum*, it can also be assumed that the former definition, used for only six hydronyms, referred to a watercourse with a medium or high flow rate making it an inequivocable distinguishing feature of a valley from various viewpoints within the area. This also applies to the definition *convallis*, which is attributed to a sole locality (Caeptiema) and suggests the point where at least two valleys meet (an easily identifiable morphological feature that may be situated to the north of the Genovesato. Lastly, the term *fontes* is used only twice in the Tablet (Manicelus and Lebriemelus) and must have

referred to clearly distinguishable springs with a considerable flow rate serving a vast area of the territory.

A cross-analysis with the historical cartographic collection[589] – ranging from 1500 to nineteenth-century Savoy maps – integrated with the examination of medieval documents in search of toponymical traces of these six hydronyms led to several considerations based also on observation of the morphological characteristics, which would have played no small role in the choice of transit routes from the coast to the inland Oltregiogo, making it possible to trace the linguistic evolution of the Polcevera Tablet toponyms that may identify places that we are still capable of locating today. First and foremost among these are *fons in Manicelo* and *flovium Lemuris*, two key elements in the territorial description of the boundaries of the two *agri* that also played a key role in the general reconstruction of the Via Postumia route.

The identification of *Lemuris* = Lemme and *fons in Manicelo* = Manesseno is critical for the reconstruction of the territories described in the Tablet (*ager publicus* and *ager privatus* of the Viturii Langenses) and for the identification of the places mentioned in its text.[590] The *Lemor*-Lemme identification would seem more convincing especially in view of the linguistic evolution from *Lemor* to *Lemme* (*Lemor fl., Lenior f.* or *Lentor*, *Leino fluvius, Lemo*)[591] in the course of the centuries (between 1500 and 1800) as well as the dedication of the pieve of Santa Maria in Lemore, which is situated between the localities of Francavilla Bisio and San Cristoforo di Gavi (Alessandria) and was first documented in the year 1000.[592]

[589] Archivio Topografico del Comune di Genova, Archivio di Stato, and specific bibliography.

[590] Unlike identifications put forward in the past and which consequently outlined completely different territories and routes (from Petracco Sicardi 1958-1959, pp. 3-48 to Boccaleri 2002b).

[591] Archivio Topografico del Comune di Genova, Centro DocSAI, Figure C 10(1) Riviera of Genoa from the west (1613): *Lemo*; Figure C 109(1) *Ducatus mediolanensis* etc.: *Leino fluvius*; Figure C 265(2) *Pedemontana regio cum Genuensium territorio et Montisferrati Marchionatu*: *Lemor flu*; Figure C 367(1) Descrittione del Piemonte (1562): *Lenior f.* or *Lentor*?; Figure C 8, Descrittione del Piemonte (1583): *Lentor f.*?; map of *Le Montagnes des Alpes*, Paris 1692: the Lemme/Lemor is called *Lemo.*

[592] Lamboglia was rather confident in this regard (Lamboglia 1939, pp. 235-236). However, more recent authors favouring the hypothesis of a route via the Bocchetta have also accepted this hypothesis (Pavoni 2008, p. 39 and n. 40).

It is certainly worth pointing out that the identification of *Manicelus* with Manesseno – already put forward by Lamboglia – was not unanimously accepted by scholars because this locality would be too peripheral for a route going via the high Bocchetta Pass. However, if we accept the hypothesis put forward here of a route running along the Secca valleys as far as Crocetta d'Orero, the reference to a spring near Manesseno would fit perfectly. This possibility is supported by a number of medieval documents. Considering the Val Polcevera parishes, the current site of Manesseno corresponds to *Immanicen*, which lay in the parish of Sant'Ulcisio (now Sant'Olcese), as mentioned in a deed of conveyance drawn up by the notary Iordanus on 28 October 1171 relative to a piece of land in Sant'Olcese and witnessed by a certain Rubaldus da Manexelo.[593] Both *Immanicen* and *Manexelo*, attested in the two documents, seem to be easily referable to the *fons in Manicelo* mentioned by the Tablet.[594] This is seemingly also borne out by historical documents mentioning the presence of a large spring in Manesseno from 1806 onwards.[595]

As far as the route of the Via Postumia is concerned, we should remember that the Tablet mentions the road route four times in reference to three different localities (one is mentioned twice). The first is located near the Vinelasca stream, the second in the Caeptiema valley and the third near the spring *in Manicelo*. Therefore, if we accept this obvious *lectio facilior* identifying Manicelus as Manesseno, we would have to locate a transit point of the road near the confluence of the Secca and Sardorella torrents. The hypothesis that this Roman road may have run along the left bank of the Polcevera is certainly worth examining in the light of the data available in the medieval historical documentation and in the maps of various Genoese monasteries in particular

[593] Calleri 2009b.

[594] Archivio Storico del Comune di Genova: handwritten notes by the founding fathers of the municipality with the commentary of F. Podestà; parchments from the monastery of San Siro (951-1651) Calleri 2006; Calleri 2009a.

[595] Actually Lamboglia had already suggested identifying a series of toponyms present in the Tablet in correspondence with a clearly defined portion of territory now lying between the Vittoria Pass, Mount Tullo, and the Secca torrent as far as its confluence with the Sardorella torrent at Manesseno. Lamboglia 1939, pp. 218-235: *M. Boplo, fons Lebriemelus, M. Claxelus, M. Prenicus* (near modern Pernecco) and many others (*iugum Blustiemelum, M. Berigiema* etc.).

(published between 1969 and 2006), which join the information already transcribed by Ferretto[596] and Cipollina[597] regarding the Valle Scrivia and Val Polcevera.

Ferretto, in fact, transcribed a deed regarding several properties lying to the north of Rivarolo crossed by a heavily trafficked route generically defined as 'via'. Of particular interest was a deed of sale dated 26 July 1258 registered by the notaries De Sigestro Angelino and Nepitella Joachino and relative to the transfer of a house with land:

> *in territorio Riparioli propter ecclesiam Sancti Petrae cui terrae et domui coheret superius via inferius glarea de Tanatorbela*.[598]

This passage from a later deed (1386) drafted by notary Lanfranco da Oneglia suggests that there may have been a public road between Granarolo and the Garbo hill:

> *loca sive pasagia infrascritta ... posita in Granarolo prope per viam publicam qua itur sursum ad garbum*

Lastly, with regard to the hypothetical existence in the twelfth century of a road to Genoa running along the valley bottom in the Ceta area (according to Petracco Sicardi, the area may correspond to the Borgo Fornari parish church[599]) we should mention a document in the *Liber Iurium* I (p. 461 b, Cod. A fol. 188v.)[600] containing a reference to a peace treaty between the inhabitants of Genoa and Tortona who proposed to drive the marquesses of Gavi, no longer ruling, from their territory:

> *et si forte assaltus fieret vel stremitta aut preda a predictis marchionisbus vel ab aliqua persona in stratam vel extra stratam eundo per terram Ianuam*.

The *Libri Iurium* are of great help to us in this context because they contain numerous confirmations identifying the mountain

[596] Ferretto 1909.

[597] Cipollina 1932.

[598] Today the locality to the north of Genoa is still known as Rivarolo and its torrent is Torbella.

[599] Petracco Sicardi 1989.

[600] Cf. Pallavicino 2002.

near Ceta, on the boundaries of the Runco estate, with the locality of Borgo Fornari from 1150 onwards (*Libri Iurium* 340). The oldest of these sources referring to Ceta is a document relative to a dispute between the ruling family of Pobbieto and the consuls of Genoa, which was followed by the notarial deed (registered by notary Salmone on 17 September 1222) in which the Administrator of the Ospedale di Santo Stefano and Ruggerio di Fiacone shared out properties in Fiaccone and Ceta:

> *Altro pervenit pecia una terre qu*(*a*)*e est in ceta ubi dicitur bedole cui coheret superius constat montis de ceta inferius strata publica*.[601]

If we accept that Ceta/Borgo Fornari corresponds to the Caeptiema valley mentioned in the Polcevera Tablet, we must also accept that the Via Postumia travelled through the upper Valle Scrivia given that Borgo Fornari lies on the edge of the wide *convallis* where the modern centres of Busalla and Borgo are now located.

A crucial question with regard to the route of the Via Postumia involves the identification of the territory of the Langates-Langenses mentioned in the Polcevera Tablet. Although the traditional identification is connected to the current location of Langasco (as first proposed by Petracco Sicardi[602]), a small centre at the foot of the road leading up to the Bocchetta Pass, we should point out that the place known by the name Langasco around the year 1000 does not coincide with the modern locality known by that name.[603]

In two early parchments from the monastery of San Siro, drawn up in 993 and in 1003, respectively, we notice that the author and notary are the same person even though the documents were drawn up in two different places: the former in Villa Langasina and the latter in Montanici.[604] The two documents regard bequests of lands situated in Villa Langasina and *in loco et fundo Montanisi, seu in Iuvo atque in Veroni et in Ricau*, respectively. The

[601] Ferretto 1909.
[602] Petracco Sicardi 1958-1959, pp. 3-48.
[603] Cf. Sereni 1955, p. 556.
[604] Basili, Pozza 1974.

localities mentioned correspond to sites near the Giovi route that are easily identifiable with Montanesi, Giovi, and Riccò, all centres on the right bank of the Riccò. It is clear, therefore, that none of these sites is in the Valle del Verde, which lies beneath the road to Bocchetta.

We can therefore probably deduce from these two documents that around the year 1000 these localities all belonged to an area generically defined as villa Langasina, in other words, the locality which is the subject of the deeds. It can therefore be affirmed that in the early Middle Ages, Langasco was a far larger district comprising several localities including Montanesi, Giovi, and Riccò. Identifying the ancient territory of the Langates-Langenses as corresponding to the modern centre of Langasco may not only be reductive but also extended to a period after the mid-twelfth century.

3. *Final considerations*

As mentioned, the Polcevera Tablet describes a specific territory crossed in several places by the Via Postumia. Although the suggestions put forward here with regard to its route have been made on a mainly archaeological basis, they also take into account more practical considerations, which would guide us in the direction of two alternative routes going via the more accessible Crocetta d'Orero/Niusci Pass rather than the steep and often snow-covered Bocchetta Pass (now 770 metres above sea level but even higher prior to 1585) proposed by various authors.

The cartographic and historical research carried out for the 'Progetto Postumia' has attempted to shed new light on some particularly interesting aspects that emerged from the re-examination of previous studies; these included the possible identification of the river *Lemor* with the Lemme and the spring *in Manicelo* with a spring in Manesseno, from which we may deduce that most of the toponyms in the Polcevera Tablet refer to locations on the left bank and middle course of the Polcevera torrent.

The proposal to locate the spring at Manesseno would, in fact, allow us to identify the first of the Postumia transit places mentioned in the Tablet while the identification of the Caeptiema valley with a wide *convallis* lying between Busalla and Ronco, cen-

tred on the hub of Borgo Fornari, would justify considering the topography described in the Tablet from a broader perspective, one going beyond the boundaries of the Val Polcevera. Above all, it would allow us to place one of the transit points of the Via Postumia in the centre of the Valle Scrivia. We should also mention the fact that almost all of the archaeological evidence referred to here pertains to an area in the middle of the valley lying on the left bank between the course of the torrent and the Secca and Sardorella tributaries and the hill ridges leading to the Crocetta d'Orero/Niusci Pass to the north.[605]

Lastly, it is worth underlining that the third explicit mention of the Via Postumia in the Polcevera Tablet places it in the vicinity of the Vinelasca, a stream that cannot have been far from the *fons in Manicelo* and from the Apenninic ridge dividing the Val Polcevera from the Valle Scrivia, and may have been situated between the modern centres of Manesseno and Borgo Fornari. The toponym *Vinelasca* may, in fact, derive from the Indo-European antecedent **Uinelaska* "River of the Vineyards" (as hypothesised by Borghi[606] with the Ligurian suffix *-asco*[607]), alluding to the typical landscape on the left bank of the middle course of the Polcevera, absent from the morphology on the other side of the valley,[608] which also has a different geological substratum.[609] For this reason, we could conclude that the Via Postumia ran along the more gentle left bank of the Polcevera rather than along the right bank as would have been the case for a route via the Bocchetta Pass.

Based on this interpretation, the construction of this consular road going from the Po Valley to Genoa may also have been motivated by reasons linked to Roman penetration from an inland area towards the coast, following a route based on the various morphological features gradually radiating southwards from the Po Plain – in our case from Libarna onwards – in the direction of the Valle Scrivia and the sea, and not just in the opposite direction.[610]

[605] Cf. also Cera 2000, p. 32.
[606] Borghi 2006, p. 99.
[607] Olivieri 2013, p. 83, who traces it back to an Arian root.
[608] Cf. CTR Regionale Carta Geologica di Genova.
[609] Capponi *et al.* 2008.
[610] Barozzi 2000.

Rather than rising steeply from Libarna, which lies at around 200 metres above sea level, to reach 800 metres above sea level before descending to the sea, it is far more likely that the road travelled along the long narrow north-south corridor of the Valle Scrivia, which gently rises to the Crocetta d'Orero Pass from where several clearly visible routes descend to the Polcevera torrent bed running along the gentle ridges.

CONCLUSIONS

Ἐκ δὲ τῶν εἰρημένων τεκμηρίων ὅμως τοιαῦτα ἄν τις νομίζων μάλιστα ἃ διῆλθον οὐχ ἁμαρτάνοι, καὶ οὔτε ὡς ποιηταὶ ὑμνήκασι περὶ αὐτῶν ἐπὶ τὸ μεῖζον κοσμοῦντες μᾶλλον πιστεύων, οὔτε ὡς λογογράφοι ξυνέθεσαν ἐπὶ τὸ προσαγωγότερον τῇ ἀκροάσει ἢ ἀληθέστερον, ὄντα ἀνεξέλεγκτα καὶ τὰ πολλὰ ὑπὸ χρόνου αὐτῶν ἀπίστως ἐπὶ τὸ μυθῶδες ἐκνενικηκότα, ηὑρῆσθαι δὲ ἡγησάμενος ἐκ τῶν ἐπιφανεστάτων σημείων ὡς παλαιὰ εἶναι ἀποχρώντως. (Thuc. *Proem*. 1.21)

The aim of this study, professed from the very first lines, was to demonstrate that already in the ancient world, intermediation (individuals and entities participating in a relation) was primarily perceived as an 'environment' within which human actions took place, and secondarily as a legal institution.[611]

In fact, the appeal of the Roman 'model' to neighbouring populations lay in this very process of "humanisation" of the environment.[612] This was a system inevitably based on the creation (or optimisation) of a functional and organic cooperation between city and territory that responded equally to technical and political issues.

According to the interpretation offered by Cicero, in fact, both *populus* and *civitas* are essentially *societates*, that is, legal entities that may define themselves in this way because they are the outcome of a consensual relationship aimed at achieving the common good as much as legal consensus. Underpinning this societal development of the Republican reality is consequently and necessarily the *foedus*, which is the founding principle of the *societas* within the *populus* as well as of the *societas* coming into being between discrete civic entities.

Although internationalists tend to date "il sistema delle norme che regolano le relazioni tra gli Stati dall'esterno dei rispettivi ordinamenti"[613] to no earlier than the sixteenth or seventeenth

[611] La China 2011, p. 1.
[612] Foraboschi 1992, p. 125.
[613] Ziccardi 1964, p. 988.

century, which is when the concepts of sovereignty and 'international community' both emerged, the impossibility of associating a 'right of the peoples' – considered in the modern sense and therefore capable of implying "il volontario riconoscimento del diritto da parte degli Stati organizzati in libera coesistenza eguale ed autonoma" – with ancient populations cannot exclude *a priori* the existence of 'vertical' relations between the *communitas orbis* and the single political entity, even in historical phases prior to the 1648 Peace of Westphalia.

The thorny question linked to the development of 'international' relationships is less concerned with the legislative aspects than the problem of identity and the perception of what 'otherness' and 'difference' mean in terms of ethnicity or religious affiliation.

This aspect, which is one of the pressing themes of our times, was also very relevant to the Roman world, which did, however, offer targeted, flexible responses to specific questions arising in relation to issues related to the complex system of integration within the Roman State. Unlike Greek society, known for its marked internal divisions as well as for a strong sense of identity with strong linguistic roots,[614] there is a tendency to attribute a marked capacity for integration to the Roman world, although this should certainly not be mistaken for a particular inclination towards humanitarianism.[615]

In fact, the complex, heterogeneous processes of Romanisation were based less on ideal concepts of social and/or ethnic egalitarianism than on a marked wish by Rome to maintain a fragile balance based on the founding principle of *concordia*. As has already been pointed out, Rome was very careful not only to display its magnanimity and loyalty to its *amici* and *socii* but also its implacability and harshness towards its enemies and powers that had yet to be subdued.[616]

Although Rome never lost sight of the philosophical basis of the universalism of its power, it never failed to show the darker

[614] Bearzot 2007.

[615] On this matter it may be useful to mention the case of the deportation of the Ligurian Apuani (Thornton 2015).

[616] Vacanti 2008-2009, pp. 212-219.

sides of its coercive authority. And while this highly effective political ambivalence (or ambiguity) was probably responsible for the lasting fortunes of the Roman empire, it did arouse some misgivings among commentators. Celebrated among the latter are Tacitus and Appian, both not just keen observers but also honest critics of Roman politics. While the former accused Rome of defining as 'peace' something that they had transformed into a desert (*ubi solitudinem faciunt, pacem appellant*[617]), the latter offered a far more nuanced reading of the Roman approach to 'international' politics:[618]

> ἐποιοῦντο δ' οἱ Ῥωμαῖοι ξένους, οἷς ἐδίδοσαν μὲν εἶναι φίλοις, ἀνάγκη δ' οὐκ ἐπῆν ὡς φίλοις ἐπαμύνειν. Οἱ μὲν δὴ Τεύτονες πλησιάζοντι τῷ Κάρβωνι προσέπεμπον ἀγνοῆσαί τε τὴν ἐς Ῥωμαίους Νωρικῶν ξενίαν, καὶ αὐτῶν ἐς τὸ μέλλον ἀφέξεσθαι.

While mocking the Roman custom of considering as allies populations that they actually intended to conquer, this observation successfully evokes the fluid nature of relations between Rome and neighbouring peoples, relations that did not necessarily need to be ratified by strict *foedera* thanks to the hegemonic role gradually assigned to Rome.

As can be seen nothing prevented the Roman Senate from applying a judicious pragmatism in the dangerous arena of 'international' relations where Rome became the undisputed protagonist in the Italic context, from at least the fifth century BC onwards, but, above all, also in the wider Mediterranean context, from that fateful second century BC onwards.

It is only in a context like this, moreover, that it is possible to conceive the extraordinary innovation introduced by the model of "fluid hegemony" developed by the Romans both with regard to the extra-Italic communities and to the peninsular popula-

[617] Tac. *Agr.* 30.4.

[618] App. *Gall.* 13: "It was the practice of the Romans to make foreign friends of any people for whom they wanted to intervene on the score of friendship, without being obliged to defend them as allies. As Carbo was approaching, the Teutones sent word to him that they had not known anything about this relationship between Rome and Noricum, and that for the future they would abstain from molesting them".

tions, towards whom Rome revealed a unique type of 'geographical sensibility'.

While the fundamental lines of the Senate's approach to intermediation seem to be fairly consistent throughout the empire – involving the dispatch of a delegation on site, recourse to the ratification of a temporal *terminus* with the aim of somehow re-establishing a *status quo*, and, from a political perspective, an appeal to the interpenetrating principles of *aequitas* and *utilitas* – in the Cisalpine region Rome's intervention was particular for three reasons. In fact, whenever Rome decided to accept mediation requests from native populations, this took place:

- through the direct intervention of the Roman assembly, which did not delegate the matter to third parties, instead dispatching one or more legates;
- in areas whose proximity to nodal points in the Roman road system justified Rome's targeted intervention;
- by emphasising a certain protagonism, sanctioned both by contemporary and later historiographers, on the part of various leading figures in the Roman elite.

This 'anomaly' with regard to the extremely "minimalist"[619] approach of the Senate in the Greek sphere does not seem to contradict Rome's overall attitude to intermediation processes which, while not refused, were nonetheless not exactly promoted, even among its precious Italic allies.[620]

Actually, it is rather easy to imagine that Rome's tendency to 'interventionism' in the Cisalpine region may have resulted from its proximity to the scene of conflict. In fact, there are a number of specific reasons explaining why Rome's intervention in this area of its domains developed along these lines: the *metus Gallicus*,[621] the privatistic interests of the *Patres*, control of roads in the Rhaetian Alps, but also its greater geographical knowledge[622] of a territory

[619] Camia 2009, p. 193.

[620] Jehne 2009, p. 169.

[621] Bellen holds this to be the archetype of the more celebrated *metus Punicus* (Bellen 1985).

[622] Which is probably why many senators in the third and second centuries BC did not have the same depth of knowledge about the nearby Padane lands and

like that of the neighbouring Po Plain, an integral part of the rich *terra Italia*.

The success of Gallic 'Romanisations' is usually attributed to the Celts' scarce sense of identity – which significantly emerges in the precarious nature of inter-Celtic political relations but, above all, in the absence of a concept of 'boundary' as conceived by the Etruscan-Roman tradition and in the pronounced linguistic pluralism[623] – but it is likely that a contributory role was also played by Rome's unique focus on the Cisalpine territory. Most important of all was Rome's cultural attitude towards the *limitatio* – something that was totally absent from the main *ethnos* in the Po Plain.

Although crossed on multiple occasions by the time of the Roman interest in the Transpadane tract of that area, the Alps were the perfect embodiment of "the myth of the insuperable barrier"[624] and therefore represented the ideal geomorphological reality to take on the role of the limit of a territory destined to identify an entire domain.[625]

Like every boundary worth the name, the Alpine border could only manifest its true nature once the existence of a 'beyond' had been acknowledged;[626] in other words, once it had ceased to be a mere self-defining statement with respect to an otherness, beginning to represent a measure of the Roman presence even for those perceived as 'outsiders'.

In any event, one thing is clear: the instruments permitting the Roman rise to leading power, both in the Italic peninsula and in the Mediterranean, did not all come from Rome's arsenal of war. In fact, Rome's political ascent is a superb example of a well-balanced combination of brutal strategies – that were never repudiated – and a shrewd, carefully considered use of diplomacy.

the distant, impervious Greek territories. See Eckstein 1987, pp. 3-72; Tarpin 2015, p. 807.

623 Zecchini 2007.

624 Tarpin 2015, p. 806.

625 Humm 2010, pp. 54-56.

626 Tarpin sees this as the background of the image of the wild, dangerous Alpine environment and its peoples diffused by literature (Tarpin 2015, pp. 804-805).

While supremacy could only be attained *manu militari*, it might be maintained or propagated by resorting to a more extensive range of resolutive measures, also by way of precaution.

It is in this particular context that the role of the Roman road system as a "device of power"[627] can be understood; in fact, the infrastructural creations of the Republican period enabled the creation of that "imagined community"[628] underpinning the Augustean syntagm *tota Italia*.[629] This concept overcomes the ethnical and strictly natural aspect typical of the *limitatio*, to reveal itself as the concrete form of an ideal that is itself the vehicle used for the attainment and political stabilisation of the various categories of local relation.

"Unity in diversity" is, in fact, the official motto of the European Union, and is an equally apt maxim for Rome, which would, however, adopt it to very different, undeniably hegemonic ends.

If, as has been pointed out, diversity means wealth but unity means safety, the 'Romanisations' of the Italic world give an account of a complex, heterogeneous process that saw a key role attributed to the linguistic Latinisation of the peninsula, which was set in motion once this expanding political and economic power became a pole of attraction for local cultures, which entered the Roman orbit, drawing upon its cultural and linguistic models long before being administratively absorbed by Rome.

Although the federal structure is not only an extremely ancient component of Rome's political legislation but also the cornerstone of its 'perfect constitution', it was in the fateful second century BC, in particular, that Rome ascended to a position of absolute 'international' prestige that allowed it, in practice even more than in theory, to present itself as the hub and focal point of a new Mediterranean equilibrium dominated by the Republic: this process took place both in extra-Italic territories as well as within the peninsula.

627 Laurence 1999, p. 199.

628 Laurence 1999, p. 175.

629 *RG* 25.2. Bispham 2007, pp. 405-446. It is no mere chance that among the key events in Strabo's description of the Alpine territory (Strab. 4.6.6) he includes intervention by Augustus, who simultaneously wiped out the brigands and built communication routes.

The two case studies considered in this volume – the Cippus Abellanus and the Polcevera Tablet – offer a clear example of the numerous forms taken by Roman authority with the aim of guaranteeing, according to the single cases involved, a balanced settlement of the "harmonious tensions"[630] that emerged from contacts with the local populations.

The Cippus Abellanus is a key document in this context because its origins in the so-called Osco-Roman period give an account of a phase when Rome's influence was making itself felt more strongly throughout the south of Italy, in general, and in Campania, in particular, in the prelude to full Romanisation, which would only come about in this area too at the start of the first century BC, after the Social War.

Contrary to what we might be led to believe, the Cippus contains no mention of a delimitation between the areas linked to the two disputing cities, Nola and Abella, but does reveal immediate correlations between the Roman magisterial vocabulary and Samnite institutional terminology. Although the juridical and institutional framework contained in the Cippus Abellanus does not show the Senate acting as *arbiter* in the canonical sense of the term, it does provide us with an unambiguous image of the synchronic situation of the relationship between Nola-Abella and Rome. Within this dynamic, the latter may have applied a form of 'indirect conditioning' that had become necessary in an area of strategic importance like the 'Latin-Campanian' territory, where the disputing cities were situated but where Rome's direct intervention was not required, given that the dispute was peacefully settled by the entities involved by means of a 'joint sentence' issued by the collective body responsible for the sacred area of the Sanctuary of Hercules.

A different model of intervention emerges from the analysis of the Polcevera Tablet, one of the oldest documents to make explicit reference to the Via Postumia and its route.

Among the contributory causes of this boundary dispute we should probably also consider the changes wrought in local balances by Rome's construction of this vital road axis, which marked a crucial moment of transition in terms of the propagation of the

[630] Giardina 1997, p. 76.

imperium populi romani in the Cisalpine context, in general, and in Liguria, in particular, during the second century BC.

In fact, the *Sententia Minuciorum* clearly illustrates the co-existence of Roman institutions with relicts of legal and social conditions linked to land use in the archaic period, showing that the Roman arbitrators were fully cognizant of the unique reality of the Ligurian community, which would only obtain Latin rights followed by Roman citizenship in the century after the drafting of this text. The aim of Roman intervention was not to impose laws from above without the consent of those concerned, but to endorse pre-existing legal relations between Genoa, a confederate yet formally autonomous city, and a subject community by means of an accurate re-definition of both the boundaries of the disputed territories and of the way in which they were to be used.

The two cases analysed are therefore the extraordinarily compelling expression of the Roman authority's continuous striving to reconcile the rigidity intrinsic to the concept of *imperium* with a restrained flexibility that is the most obvious demonstration of the typically Roman vision of "hegemonic leadership". Passing through the perception and creation of a recognisable landscape[631] to become "more than just a question of coercion through active warfare" this concept "is also based on consent not just of those within the hegemonic state, but also those beyond it".[632]

V. C.

[631] Purcell 1990.

[632] Laurence 1999, p. 12.

BIBLIOGRAPHY

Ager 1996 = S. Ager, *Interstate Arbitrations in the Greek World, 337-90 B.C.*, Berkeley-Los Angeles-London 1996.

Ager 2009 = S. Ager, *Roman Perspectives on Greek Diplomacy*, in C. Eilers (ed.), *Diplomats and diplomacy in the Roman world*, Leiden-Boston 2009, pp. 15-44.

Agostino *et al*. 2012 = G. Agostino *et al*., *Medagliere. Monetazione preromana dell'Italia settentrionale: analisi composizionale e studio della tecnologia produttiva*, in "Quaderni della Soprintendenza Archeologica del Piemonte" 27 (2012), pp. 365-366.

Albanese 1963 = B. Albanese, *L'amicitia del diritto privato romano*, in "Ius" n.s. 14 (1963), pp. 130-147.

Albanese 1987 = B. Albanese, *Il processo privato romano delle "legis actiones"*, Palermo 1987.

Allély 2000 = A. Allély, *Les Aemilii Lepidi et l'approvisionnement en blé de Rome (IIe-Ie Siècles av. J.-C.)*, in "Revue des Études Anciennes" 102, 1-2 (2000), pp. 27-52.

Angeli Bertinelli 2011 = M. G. Angeli Bertinelli, *Luna, città romana, nella tradizione letteraria antica*, in M. G. Angeli Bertinelli, *Lunensia antiqua*, Roma 2011, pp. 496-497.

Antonini 2015 = R. Antonini, *Abella. I testi monumentali in sannita. I. Spunti e disappunti dal recente incremento della serie*, in "Considerazioni di Storia ed Archeologia" 8 (2015), pp. 53-118.

Antonini 2017 = R. Antonini, *Abella. I testi monumentali in sannita. II. Retrospettive, aggiornamenti e provocazioni*, in "Considerazioni di Storia ed Archeologia" 10 (2017), pp. 50-130.

Arangio Ruiz 1962 = V. Arangio Ruiz, *s.v. Controversie internazionali*, in *Enciclopedia del diritto*, X, 1962, p. 384.

Arnaud 2006 = P. Arnaud, *Des documents méconnus du bornage*: *determinatio, depalatio, definitio*, in A. Gonzales, J. Y. Guillaumin (eds), *Autour des 'libri coloniarum': colonisation et colonies dans le monde romain*. Actes du Colloque International (Besançon, 16-18 octobre 2003), Besançon 2006, pp. 67-80.

Arslan 1978 = E. A. Arslan, *Celti e romani in Transpadana*, in "Études Celtiques" 15 (1978), pp. 441-481.

Arslan 2007 = E. A. Arslan, *Dimenticati dalla storia: i gruppi celtici minori della Cisalpina. Una rilettura di Plinio, Naturalis Historia, e di Livio, Ab urbe condita*, in "Annali Benacensi" 13-14 (2007), pp. 121-134.

Arslan 2009 = E. A. Arslan, *L'oro rifiutato: confini e dogane nell'altomedioevo*, in L. Travaini (ed.), *Valori e disvalori simbolici delle monete. I trenta denari di Giuda*, Roma 2009, pp. 119-144.

Astin 1967 = A. E. Astin, *Scipio Aemilianus*, Oxford 1967.

Astin 1989 = A. E. Astin, *'Sources'*, in F. W. Walbank, A. E. Astin, M. W. Frederiksen, R. M. Ogilvie (eds), in *Cambridge Ancient History*, VIII, 1989, pp. 1-16.

Baccari 1995 = M. P. Baccari, *Il concetto giuridico di civitas augescens: origine e continuità*, in "Studia et Documenta Historiae et Iuris" 61 (1995), pp. 759-765.

Bacchetta, Crosetto, Venturino Gambari 2011 = A. Bacchetta, A. Crosetto, M. Venturino Gambari, *Il foro di Aquae Statiellae (Aqui Terme). Nuovi dati sulla piazza e il capitolium*, in S. Maggi (ed.), *I complessi forensi della Cisalpina romana: nuovi dati*. Atti del Convegno di Studi, Firenze 2011, pp. 71-86.

Badian 1958 = E. Badian, *Foreign Clientelae*, Oxford 1958.

Balbo 2016 = M. P. Balbo, *Tra Galli e Romani: l'etnogenesi dei Libui di Vercellae*, in S. Solano (ed.), *Da Camunni a Romani. Archeologia e storia della romanizzazione alpina*. Atti del Convegno (Breno-Cividate Camuno (BS), 10-11 ottobre 2013), Roma 2016, pp. 247-255.

Balbo 2017 = M. P. Balbo, *Alcune osservazioni sul trionfo e sulla censura di Appio Claudio Pulcro (cos. 143 a.C.)*, in "Athenaeum" 105, 2 (2017), pp. 499-519.

Baldacci 1986 = P. Baldacci, *Indigeni in Cisalpina*, in AA.VV., *Scritti in ricordo di G. Massari Gaballo e di U. Tocchetti Pollini*, Milano 1986, pp. 93-98.

Balibar 2005 = É. Balibar, *Violenza: identità e crudeltà*, in F. Héritier (ed.), *Sulla violenza*, Roma 2005, pp. 47-71 [trad. it.].

Bandelli 1985 = G. Bandelli, *Momenti e forme della politica romana nella Transpadana orientale (III-II secolo a.C.)*, in "Atti e Memorie

della Società Istriana di Archeologia e Storia Patria" n.s. 33 (1985), pp. 5-29.

Bandelli 1990 = G. Bandelli, *Colonie e municipi delle regioni transpadane in età repubblicana*, in AA.VV., *La Città nell'Italia settentrionale in età romana. Morfologia, strutture e funzionamento dei centri urbani delle Regiones X e XI*. Atti del Convegno di Trieste (13-15 marzo 1987), Rome 1990, pp. 251-277.

Bandelli 1998a = G. Bandelli, *La penetrazione romana e il controllo del territorio*, in G. Sena Chiesa, M. P. Lavizzari (eds), *Tesori della Postumia. Archeologia e storia intorno a una grande strada romana alle radici dell'Europa*. Catalogo della Mostra (Cremona, 4 aprile - 26 luglio 1998), Milano 1998, pp. 147-155.

Bandelli 1998b = G. Bandelli, *Le clientele della Cisalpina fra il III e il II secolo a.C.*, in G. Sena Chiesa, E. A. Arslan (eds), *Optima via*. Atti del Convegno Internazionale di Studi "Postumia. Storia e Archeologia di una grande strada romana alle radici dell'Europa" (Cremona, 13-15 giugno 1996), Cremona 1998, pp. 35-41.

Bandelli 2005 = G. Bandelli, *La conquista dell'ager Gallicus' e il problema della 'Colonia Aesis'*, in "Aquileia Nostra" 76 (2005), pp. 13-54.

Bandelli 2007 = G. Bandelli, *Considerazioni storiche sull'urbanizzazione cisalpina di età repubblicana (283-239 a.C.)*, in L. Brecciaroli Taborelli (ed.), *Forme e tempi dell'urbanizzazione nella Cisalpina (II secolo a.C. - I secolo d.C.)*. Atti delle Giornate di Studio (Torino, 4-6 maggio 2006), Torino 2007, pp. 15-28.

Bandelli 2009 = G. Bandelli, *Parma durante la repubblica. Dalla fondazione della colonia a Cesare*, in D. Vera (ed.), *Storia di Parma. II: Parma romana*, Parma 2009, pp. 181-217.

Bandelli 2017 = G. Bandelli, *Le comunità della Transpadana dalla guerra gallica del 225-222 a.C. alla Lex Pompeia dell'89 a.C. Dati recenti e problemi aperti su alcuni aspetti di ordine istituzionale*, in "Gerión. Revista de Historia Antigua" 35, 2 (2017), pp. 373-400.

Bandelli, Chiabà 2005 = G. Bandelli, M. Chiabà, *Le amministrazioni locali nella Transpadana orientale: dalla provincia repubblicana della Gallia Cisalpina alla provincia tardoantica della Venetia et Histria*, in "Mélanges de l'École Française de Rome" 117, 2 (2005), pp. 439-463.

Barbati 2012 = S. Barbati, *Asc., In Pis. III Clark: sulle cosiddette "colonie latine fittizie" transpadane*, in "Revista General de Derecho Romano" 18 (2012), pp. 1-44.

Barello 2004 = F. Barello, *Tra Augusta Taurinorum e Ad Decimum,* in AA.VV., *Brandizzo. Un insediamento rurale di età romana*, Torino 2004, pp. 10-21.

Baroni 2017 = A. Baroni, *... patrem ne adtributam quidem: sulla cosiddetta adtributio, vet again*, in S. Solano (ed.), *Da Comunni a Romani. Archeologia e storia della romanizzazione alpina*, Roma 2017, pp. 221-233.

Barozzi 2000 = P. Barozzi, *La via Postumia in Val Polcevera*, in P. Barozzi (ed.), *Momenti di geografia storica genovese*, Genova 2000, pp. 35-43.

Barrett, Barrett 2004 = J. T. Barrett, J. P. Barrett, *A History of Alternative Dispute Resolution. The Story of a Political, Cultural, and Social Movement*, San Francisco 2004.

Barton 2007 = C. A. Barton, *The Price of Peace in Ancient Rome*, in K. A. Raaflaub (ed.), *War and Peace in the Ancient World*, Malden-Oxford-Carlton 2007, pp. 245-255.

Basili, Pozza 1974 = A. Basili, L. Pozza, *Le carte del Monastero di San Siro di Genova*, Genova 1974.

Basso 2007 = P. Basso, *Strade romane. Storia e archeologia*, Roma 2007.

Basso, Zanini 2016 = P. Basso, E. Zanini (eds), *Statio amoena: Sostare e vivere lungo le strade romane*, Oxford 2016.

Baty 1917 = T. Baty, *The Difference between Arbiter in the Roman Sense and Modern Arbitrators*, in "University of Pennsylvania Law Review" 65 (1917), pp. 732-736.

Bearzot 2007 = C. Bearzot, *Rivendicazione di identità e rifiuto dell'integrazione nella Grecia antica (Ateniesi, Arcadi, Plateesi, Messeni)*, in G. Amiotti, A. Rosina (eds), *Identità e integrazione. Passato e presente delle minoranze dell'Europa mediterranea*, Milano 2007, pp. 15-38.

Bearzot 2014 = C. Bearzot, *Dall'Italía all'Italia*, in A. Bianchi (ed.), *Storia, civiltà e religione in Italia. Studi in occasione del 150° anniversario dell'unità nazionale*, Milano 2014, pp. 31-42.

Bederman 2001 = D. J. Bederman, *International Law in Antiquity*, Cambridge 2001.

Belfiore 2019 = V. Belfiore, *Aspetti materiali e ideologici delle delimitazioni pubbliche nella cultura etrusca e italico-settentrionale*, in R. Dubbini (ed.), *I confini di Roma*. Atti del Convegno Internazionale (Università degli Studi di Ferrara, 31 maggio-2 giugno 2018), Pisa 2019, pp. 47-62.

Belgrano 1862 = L. T. Belgrano, *Il Registro della Curia Arcivescovile di Genova*, in "Atti della Società Ligure di Storia Patria" 2, 2 (1862), pp. 3-407.

Bellen 1985 = H. Bellen, *Metus Gallicus – Metus Punicus. Zum Furchtmotiv in der römischen Republik*, Weisbaden 1985.

Beloch 1879 = J. Beloch, *Campanien. Geschichte und Topographie des antiken Neapel und seiner Umgebung*, Berlin 1879.

Benveniste 1976 = È. Benveniste, *Il vocabolario delle istituzioni indoeuropee, II, Potere, Diritto, Religione*, Torino 1976.

Bessone 1985 = L. Bessone, *Tra Salassi e Romani*, Quart (Aosta) 1985.

Bianchi 1996 = E. Bianchi, *La Tavola di Polcevera e l'occupazione del Genovesato in epoca tardorepubblicana*, in "Archeologia, uomo, territorio" 15 (1996), pp. 63-80.

Bianchini 2006 = M. Bianchini, *Senato e senati locali per la soluzione di controversie fra comunità*, in "Minima Epigraphica et Papyrologica" 9 (2006), pp. 94-100.

Bignardi 1984 = A. Bignardi, *Controversiae agrorum e arbitrati internazionali. Alle origini dell'interdetto "Uti possidetis"*, Milano 1984.

Bispham 2007 = E. Bispham, *From Asculum to Actium. The Municipalization of Italy from the Social War to Augustus*, Oxford-New York 2007.

Boaro 2001 = S. Boaro, *Dinamiche insediative e confini nel Veneto dell'età del Ferro: Este, Padova e Vicenza*, in "Padusa" 37 (2001), pp. 153-198.

Boccaleri 1989 = E. Boccaleri, *L'agro dei Langensi Viturii secondo la Tavola di Polcevera*, in "Atti della Società Ligure di Storia Patria" n.s. 29, 1 (1989), pp. 27-69.

Boccaleri 1993 = E. Boccaleri, *La Tavola di Polcevera e la comunità rurale dei Langensi Viturii*, in "Studi e ricerche. Cultura del territorio" 9 (1993), pp. 11-27.

Boccaleri 1996 = E. Boccaleri, *L'ubicazione dell'Agro Compascuo Genuate secondo la Tavola di Polcevera*, in "Atti della Società Ligure di Storia Patria" n.s. 36, 2 (1996), pp. 23-42.

Boccaleri 2002a = E. Boccaleri, *Guida ai luoghi indicati dalla Tavola di Polcevera*, Genova 2002.

Boccaleri 2002b = E. Boccaleri, *Itinerari nel territorio descritto dalla Tavola di Polcevera*, Genova 2002.

Boccaleri 2006 = E. Boccaleri, *Alla ricerca della Via Postumia*, Campomorone (GE) 2006.

Bonamente 2019 = G. Bonamente, *I Properzi di Assisi*, in "Atti dell'Accademia Properziana del Subasio" 1 (2019), pp. 13-22.

Bonamente [forthcoming] = G. Bonamente, *I Properzi in Assisi e a Roma*, in G. Bonamente, R. Cristofoli, C. Santini (eds), *I generi letterari in Properzio: modelli e fortuna*. Atti del XXII Convegno

Internazionale (Assisi – Spello, 24-27 maggio 2018), Turnhout [forthcoming].

Bonifacio 1958 = C. Bonifacio, *s.v. Arbitro e arbitratore (Diritto romano)*, in *Novissimo Digesto Italiano*, I, Torino 1958, p. 926.

Bonnefond-Coudry 1989 = M. Bonnefond-Coudry, *Le Sénat de la République romaine de la guerre d'Hannibal à Auguste: pratiques délibeératives et prise de décision*, Rome 1989.

Borgeaud 1982 = W. A. Borgeaud, *Fasti Umbrici. Études sur le vocabulaire et le rituel des Tables eugubines*, Ottawa 1982.

Borghi 2006 = G. Borghi, *Note aggiuntive sulla comparazione di antico indiano bhuka-"buco" e italiano buco "id"*, in R. Ronzitti, G. Borghi, L. Busetto (eds), *Atti del Terzo, quarto, quinto incontro genovese di Studi Vedici e Paniniani*, Milano 2006, pp. 53-116.

Borzino sec. XVII = Gio Maria Borzino, *Archeologia, hoc est de antiquitatibus liguro-genuensium: libri quattuor ex veterum schaedis historicis compacti, sec. XVII*; Ms. Beriana n. 299; D, 2,4, 18 a cart. 67.

Bosio 1976 = L. Bosio, *Il Veneto preromano e romano*, in M. Pastore Stocchi, G. Arnaldi (eds), *Storia della cultura veneta. Dalle origini al Trecento*, I, Vicenza 1976, pp. 63-81.

Bosio 1997 = L. Bosio, *Le strade romane della Venetia e dell'Histria*, Padova 1997.

Bottazzi 1815 = A. Bottazzi, *Osservazioni storico-critiche sui ruderi di Libarna ed origine di alcuni castelli del tortonese*, Novi Ligure 1815.

Bove 2001 = M. Bove, *La perizia arbitrale*, Torino 2001.

Bove 2009 = M. Bove, *La giustizia privata*, Padova 2009.

Bradley 2014 = G. Bradley, *The nature of Roman strategy in Mid-Republican colonization and road building*, in T. D. Stek, J. Pelgrom (eds), *Roman Republican Colonization. New Perspectives from Archaeology and Ancient History*, Roma 2014, pp. 61-72.

Bretone 1981 = M. Bretone, *Il diritto a Roma*, in M. Bretone, M. Talamanca (eds), *Il diritto in Grecia e a Roma*, Roma-Bari 1981, pp. 93-164.

Bretone, Talamanca 1981 = M. Bretone, M. Talamanca, *Il diritto in Grecia e a Roma*, Roma-Bari 1981.

Brizzi 2003 = G. Brizzi, *Annibale: come un'autobiografia*, Bologna 2003.

Brizzi 2009 = G. Brizzi, *Scipione e Annibale. La guerra per salvare Roma*, Roma-Bari 2009.

Broadhead 2008 = W. Broadhead, *Migration and Hegemony: Fixity and Mobility in Second-Century Italy*, in L. De Ligt, S. J. Northwood (eds), *People, Land, and Politics. Demographic Developments*

and the Transformation of Roman Italy, 300 BC-AD 14, Leiden-Boston 2008, pp. 451-470.

Broadman 2007 = H. G. Broadman, *Africa's Silk Road. China and India's New Economic Frontier*, New York-Washington 2007.

Broggini 1957 = G. Broggini, *Iudex Arbiterve. Prolegomena zum Officium des römischen Privatrichters*, Köln-Graz, 1957.

Broggini 2002 = G. Broggini, *Iudex arbiterve*, in "Rivista di Diritto Romano" 2 (2002), pp. 425-430.

Brogiolo 2018 = G. P. Brogiolo, *Per un'archeologia delle comunità rurali nei tempi lunghi. Pagi e vici tra romanizzazione e alto Medioevo nelle regioni prealpine*, in F. Sogliani, B. Gargiulo, E. Annunziata, V. Vitale (eds), *VIII Congresso nazionale di archeologia medievale* (Matera 12-15 settembre 2018), Sesto Fiorentino (FI) 2018, pp. 26-30.

Brutti 2011 = M. Brutti, *Il diritto privato nell'antica Roma*, Torino 2011.

Bücheler 1883 = F. Bücheler, *Umbrica*, Bonnae 1883.

Buchi 1993 = E. Buchi, *Venetorum angulus. Este da comunità paleoveneta a colonia romana*, Verona 1993.

Buigues Oliver 1990 = G. Buigues Oliver, *La solución amistosa de los conflictos en derecho romano: el arbiter ex compromisso*, Madrid 1990.

Buongiorno 2016 = P. Buongiorno, *Senatus consulta: struttura, formulazioni linguistiche, tecniche (189 a.C.-138 d.C.)*, in "Annali del Seminario giuridico dell'Università di Palermo" 59 (2016), pp. 17-60.

Buono-Core 2015 = R. Buono-Core, *Guerra y diplomacia en la Roma republicana*, in "Revista de Estudios Histórico-Jurídicos – Sección historia del derecho romano" 37 (2015), pp. 93-107.

Burdese 1952 = A. Burdese, *Studi sull'ager publicus*, Torino 1952.

Burton 2000 = G. P. Burton, *The Resolution of Territorial Disputes in the Provinces of the Roman Empire*, in "Chiron" 30 (2000), pp. 195-215.

Busanel 2011 = L. Busanel, *L'arte del sensale. Dall'antica Roma all'unità d'Italia*, Bologna 2011.

Bussi 2005 = L. Bussi, *Mediazioni e arbitrati tra Medioevo ed Età moderna*, in "Diritto @ Storia. Rivista Internazionale di Scienze Giuridiche e Tradizione romana" 4 (2005) [online].

Cairo 2012 = G. Cairo, *Gli strumenti giuridici della presenza romana in Cisalpina tra il I secolo a.C. e l'inizio del principato*, in "Historika. Studi di storia greca e romana" 2 (2012), pp. 33-54.

Calderazzo 1996 = L. Calderazzo, *Arbitrati romani in Cisalpina (197-189 a.C.): problemi e status quaestionis*, in "Rivista di Studi Liguri" 62 (1996), pp. 25-46.

Calleri 2006 = M. Calleri (ed.), *Pergamene del monastero di San Siro (951-1651)*, Genova 2006.

Calleri 2009a = M. Calleri (ed.), *Codex Sancti Stefani*, Genova 2009.

Calleri 2009b = M. Calleri (ed.), *Codice diplomatico del monastero di Santo Stefano di Genova (965-1200)*, I, Genova 2009.

Calore 2018 = A. Calore, *'Cittadinanze' nell'antica Roma. Volume I: L'età regia*, Torino 2018.

Camia 2004 = F. Camia, *L'intervento di Roma nella controversia territoriale tra Sparta e Megalopoli (163 a.C.)*, in "Annuario della Scuola Archeologica di Atene e delle Missioni Italiane in Oriente" 82, 2 (2004), pp. 477-483.

Camia 2009 = F. Camia, *Roma e le poleis. L'intervento di Roma nelle controversie territoriali tra le comunità greche di Grecia e d'Asia Minore nel secondo secolo a.C.: le testimonianze epigrafiche*, Athens 2009.

Campanile 1979 = E. Campanile, *Le strutture magistratuali degli stati osci*, in E. Campanile, C. Letta (eds), *Studi sulle magistrature indigene e municipali in area italica*, Pisa 1979, pp. 15-28.

Campanile 1990 = E. Campanile, *L'assimilazione culturale del mondo italico*, in G. Clemente, F. Coarelli, E. Gabba (eds), *Storia di Roma*, I, 2, Torino 1990, pp. 305-312.

Camporeale 1956 = G. Camporeale, *La terminologia magistratuale nelle lingue osco-umbre*, in "Atti e memorie dell'Accademia toscana di scienze e lettere la Colombaria" 21, 7 (1956), pp. 33-108.

Canali De Rossi 1997 = F. Canali De Rossi, *Le ambascerie dal mondo greco a Roma in età repubblicana*, Roma 1997.

Canali De Rossi 2000 = F. Canali De Rossi, *Le ambascerie straniere a Roma dall'Italia e dall'Occidente*, Roma 2000.

Canali De Rossi 2001 = F. Canali De Rossi, *Il ruolo dei patroni nelle relazioni politiche fra il mondo greco e Roma in età repubblicana ed augustea*, München-Leipzig 2001.

Canali De Rossi 2009 = F. Canali De Rossi, *Le ambascerie dal mondo greco a Roma: omissioni, errori e studi recenti*, in "Veleia" 26 (2009), pp. 13-46.

Canazza, Cirnigliaro, Pedemonte 2015 = D. Canazza, E. Cirnigliaro, S. Pedemonte, *Ancora sulla via Postumia*, in "In Novitate" 60 (2015), pp. 58-70.

Cantarella, Guidorizzi 2010 = E. Cantarella, G. Guidorizzi, *Polis, società e storia I*, Torino 2010.

Capogrossi Colognesi 1999 = L. Capogrossi Colognesi, *Spazio privato e spazio pubblico*, in L. Quilici, S. Quilici Gigli (eds), *La forma della città e del territorio. Esperienze metodologiche e risultati a confronto*. Atti dell'Incontro di Studio (S. Maria Capua Vetere, 27-28 novembre 1998), Roma 1999, pp. 17-41.

Capogrossi Colognesi 2002 = L. Capogrossi Colognesi, *Pagi sanniti e centuriatio romana*, in G. Franciosi (ed.), *Ager Campanus. La storia dell'ager Campanus, i problemi della limitatio e sua lettura attuale*. Atti del Convegno Internazionale (S. Leucio-Caserta 2001), Napoli 2002, pp. 77-93.

Capogrossi Colognesi 2004 = L. Capogrossi Colognesi, *La genesi dell'Impero municipale*, in "Roma e America. Diritto Romano Comune" 18 (2004), pp. 243-263.

Capogrossi Colognesi 2009 = L. Capogrossi Colognesi, *Storia di Roma tra diritto e potere*, Bologna 2009.

Capogrossi Colognesi 2012 = L. Capogrossi Colognesi, *Forme del diritto e insediamenti territoriali nell'Italia romana*, in "Rivista Storica Italiana" 124, 1 (2012), pp. 193-227.

Capogrossi Colognesi 2014 = L. Capogrossi Colognesi, *Storia di Roma tra diritto e potere*^{2}, Bologna 2014.

Capogrossi Colognesi 2016 = L. Capogrossi Colognesi, *La costruzione del diritto privato romano*, Bologna 2016.

Capponi *et al.* 2008 = G. Capponi *et al*., *Note illustrative della carta geologica d'Italia alla scala 1:50.000, foglio 213-230 – Genova*, Firenze 2008.

Caprini 1981 = R. Caprini, *Toponimi liguri di origine germanica*, in G. Petracco Sicardi, R. Caprini (eds), *Toponomastica storica della Liguria*, Genova 1981, pp. 17-32.

Cardilli 2015 = R. Cardilli, *'Autonomia' e 'libertas' delle civitates peregrinae e dei municipia nell'Imperium populi Romani*, in G. L. Domenico D'Orsogna (ed.), *Città e diritto: studi per la partecipazione civica. Un "codice" per Curitiba*, Napoli 2015, pp. 87-104.

Cardinali 2015 = L. Cardinali, *Una nuova proposta etimologica per il sostantivo arbiter ed una puntualizzazione sull'etimologia del termine custos*, in "Giornale Italiano di Filologia" 67 (2015), pp. 69-84.

Carlà-Uhink 2017 = F. Carlà-Uhink, *The "Birth" of Italy. The Institutionalization of Italy as a Region, 3rd-1st Century* BCE, Berlin-Boston 2017.

Casella, Petraccia [forthcoming] = V. Casella, M. F. Petraccia, *Genua 'caput viae'. Il conflitto tra Genuates e Viturii Langenses nel contesto delle dispute di confine di II secolo a.C.*, in P. Garibaldi, A. Traverso (eds), *Ripensando Postumia*. Atti della Giornata di Studio (Genova, 1 giugno 2018), Genova [forthcoming].

Cassano, Capo, Freni 2018 = G. Cassano, G. Capo, F. Freni, *L'arbitrato*, Napoli 2018.

Cassola 1962 = F. Cassola, *I gruppi politici Romani nel III secolo a.C.*, Trieste 1962.

Castagnoli 1958 = F. Castagnoli, *Le ricerche sui resti della centuriazione*, Roma 1958.

Castagnoli 1968 = F. Castagnoli, *Note di architettura ed urbanistica*, in "Archeologia Classica" 20 (1968), pp. 119-121.

Castello 1964 = C. Castello, *"Genuates" e "Viturii Langenses" nella "Sententia Minuciorum"*, in AA.VV., *Synteleia Arangio-Ruiz*, II, Napoli 1964, pp. 1124-1135.

Castello 1971 = C. Castello, *Sulla clausola finale della Sententia Minuciorum del 117 a.C.*, in AA.VV., *Scritti in onore di M. Casanova*, Milano 1971, pp. 131-147.

Catalano 1965 = P. Catalano, *Linee del sistema sovrannazionale romano*, Torino 1965.

Catalano 2000 = P. Catalano, *Impero: un concetto dimenticato del diritto pubblico*, in C. Alzati (ed.), *Cristianità ed Europa. Miscellanea di studi in onore di Luigi Prosdocimi*, II, Roma-Freiburg-Wien 2000, pp. 29-51.

Cecconi 2006 = G. A. Cecconi, *Romanizzazione, diversità culturale, politicamente corretto*, in "Mélanges de l'École Française de Rome" 118, 1 (2006), pp. 81-94.

Celesia 1863 = E. Celesia, *Porti e vie strate dell'antica Liguria*, Genova 1863.

Cera 2000 = G. Cera, *La via Postumia da Genova a Cremona* (= *Strade romane* 1), Roma 2000.

Champion 2007 = C. Champion, *Empire by Invitation: Greek Political Strategies and Roman Imperial Interventions in the Second Century* B.C.E., in "Transactions of the American Philological Association" 137, 2 (2007), pp. 255-275.

Charpentier 1996 = E. M. Charpentier, *Le rôle de la bonne foi dans l'élaboration de la théorie du contrat*, in "Revue de droit de l'université de Sherbrooke" 26 (1996), pp. 301-318.

Chiabà 2015 = M. Chiabà, *La stele della via Postumia da Aquileia*, in L. Malnati, V. Manzelli (eds), *Brixia. Roma e le genti del Po. III-I secolo a.C. Un incontro di culture III-I secolo a.C.*, Firenze-Milano 2015, p. 146.

Chilver 1941 = G. E. F. Chilver, *Cisalpine Gaul*, Oxford 1941.

Ciampi Polledri 1967 = H. Ciampi Polledri, *Via Aemilia Scauri*, in "Studi Classici e Orientali" 16 (1967), pp. 256-272.

Cimarosti 2018 = E. Cimarosti, *Un DVD sulla Tavola di Polcevera*, in "Epigraphica" 80, 1-2 (2018), pp. 620-622.

Cinquantaquattro 2013 = T. Cinquantaquattro, *Ubicazione incerta, Hercules, sakaraklùm, fiìsnù*, in T. Cinquantaquattro, G. Pescatori (eds), *Fana, templa, delubra. Corpus dei luoghi di culto dell'Italia antica*, Naples 2013, pp. 20-35.

Cipollina 1932 = G. Cipollina, *Regesti di Valpolcevera*, Genova 1932.

Clavel-Lévêque 1987 = M. Clavel-Lévêque, *Questions de méthode et approches comparatives. Cadastre et histoire*, in G. Chouquer, M. Clavel-Lévêque, F. Favory, J. P. Vallat (eds), *Structures agraires en Italie centro-méridionale. Cadastres et paysages ruraux*, Rome 1987, pp. 13-16.

Clemente 1976 = G. Clemente, *'Esperti', ambasciatori del Senato e la formazione della politica estera romana tra il III e il II secolo a.C.*, in "Athenaeum" 54 (1976), pp. 319-352.

Coarelli 1985-1987 = F. Coarelli, *La fondazione di Luni. Problemi storici ed archeologici*, in *Studi lunensi e prospettive sull'Occidente romano*. Atti del Convegno (Lerici 1985), [in "Centro di Studi Lunensi – Quaderni" 10-12 (1985-1987)], I, pp. 17-36.

Coarelli 1988 = F. Coarelli, *Colonizzazione romana e viabilità*, in "Dialoghi di Archeologia" 3, 6 (1988), pp. 35-48.

Coarelli 1996 = F. Coarelli, *Da Assisi a Roma. Architettura pubblica e promozione sociale in una città dell'Umbria*, in G. Bonamente, F. Coarelli (eds), *Assisi e gli Umbri nell'antichità*. Atti del Convegno Internazionale (Assisi, 18-21 dicembre 1991), Assisi 1996, pp. 245-263.

Coarelli 2019 = F. Coarelli, *Statio. I luoghi dell'amministrazione nell'antica Roma*, Roma 2019.

Comella 2005 = A. M. Comella, *s.v. Terminus*, in *Thesaurus Cultus et Rituum Antiquorum IV. Cults Places. Representations of Cult Palces*, Los Angeles 2005, pp. 347-349.

Compatangelo, Galli 2016 = C. Compatangelo, S. Galli, *Manuale pratico dell'arbitrato. Come affrontare il procedimento arbitrale. Strategie*

operative, formulario, giurisprudenza[3], Santarcangelo di Romagna (RN) 2016.

Compatangelo-Soussignan 2011 = R. Compatangelo-Soussignan, *Conflitti territoriali nel mondo romano a partire dalle testimonianze letterarie e epigrafiche di epoca repubblicana: Occidente e Oriente a confronto*, in A. Maffi, L. Gagliardi (eds), *I diritti degli altri in Grecia e a Roma*, Sankt Augustin 2011, pp. 45-63.

Conforti 1987 = B. Conforti, *Diritto internazionale*, Napoli 1987.

Copeland 1999 = C. S. Copeland, *The Use of Arbitration to Settle Territorial Disputes*, in "Fordham Law Review" 67, 6 (1999), pp. 3073-3108.

Cornero, Pedemonte 1992 = P. Cornero, S. Pedemonte, *Strade e ponti a Isola del Cantone*, in AA.VV., *Miscellanea Storica. Biblioteca dell'Accademia Olubrense*, I, Pietrabissara (Isola del Cantone, GE) 1992, pp. 329-339.

Corsi 2000 = C. Corsi, *Le strutture del Cursus Publicus in Italia: ricerche topografiche ed evidenze archeologiche*, Oxford 2000.

Cozzo 2014 = A. Cozzo, *"Nel mezzo". Microfisica della mediazione nel mondo greco*, Pisa 2014.

Cracco Ruggini 1961 = L. Cracco Ruggini, *Economia e società nell'"Italia Annonaria". Rapporti tra agricoltura e commercio dal IV al VI secolo d.C.*, Milano 1961.

Crawford 1990 = M. H. Crawford, *Origini e sviluppi del sistema provinciale romano*, in G. Clemente, F. Coarelli, E Gabba (eds), *Storia di Roma*, II 1, Torino 1990, pp. 91-121.

Crawford 1996 = M. H. Crawford (ed.), *Roman Statutes*, I, London 1996.

Crawford 2003 = M. H. Crawford, *Language and geography in the "Sententia Minuciorum"*, in "Athenaeum" 91, 1 (2003), pp. 204-207.

Crawford 2011 = M. H. Crawford (ed.), *Imagines Italicae: a Corpus of italic inscriptions*, II, London 2011.

Cremaschi 2013 = M. Cremaschi, *Caduta libera: costituzione e lo spazio della nazione*, in "Mélanges de l'École Française de Rome" 125, 2 (2013) [online].

Cresci Marrone 1987 = G. Cresci Marrone, *Il Piemonte in età romana*, in AA.VV., *Museo archeologico di Chieri. Contributi alla conoscenza del territorio in età romana*. Catalogo della mostra, Torino 1987, pp. 14-19.

Cresci Marrone 2004 = G. Cresci Marrone, *Storie e storia ai margini della strada*, in M. S. Busana, F. Ghedini (eds), *La via Annia e le sue*

infrastrutture. Atti delle Giornate di Studio Ca' Tron di Roncade (Treviso, 6-7 novembre 2003), Treviso 2004, pp. 29-39.

Cresci Marrone 2009 = G. Cresci Marrone, *Insediamenti indigeni della Venetia verso la romanità*, in "Antichità Altoadriatiche" 68 (2009), pp. 207-220.

Cresci Marrone 2013 = G. Cresci Marrone, *Le modifiche del paesaggio nel processo di romanizzazione*, in G. Cuscito (ed.), *Le modifiche del paesaggio nell'Altoadriatico tra pre-protostoria ed altomedioevo*, Trieste 2013, pp. 17-29.

Cuniberti 2011 = G. Cuniberti, *Procedure giudiziarie e riconciliazione sociale nell'Atene di Solone*, in "Dike" 14 (2011), pp. 1-18.

Cursi 2013 = M. F. Cursi, *Diritto internazionale ed espansionismo romano*, in "Index" 41 (2013), pp. 195-227.

Cursi 2014 = M. F. Cursi, *International Relationships in the Ancient World*, in "Fundamina" 20, 1 (2014), pp. 186-195.

D'Agostino 1973 = F. D'Agostino, *Epieikeia. Il tema dell'equità nell'antichità greca*, Milano 1973.

Dalla Massara 2012a = T. Dalla Massara, *Reciproche relazioni e integrazioni tra arbitrato e 'iudicium': un itinerario nella giurisprudenza*, in L. Garofalo (ed.), *Il giudice privato nel processo civile romano. Omaggio ad Alberto Burdese*, Lavis (TN) 2012, pp. 113-173.

Dalla Massara 2012b = T. Dalla Massara, *Studio sui rapporti tra sententia iudicis e decisione arbitrale*, Napoli 2012.

D'Ambrosio 1985a = B. D'Ambrosio, *L'insediamento di San Cipriano (Genova)*, in "Studi e Ricerche. Cultura del Territorio" 2 (1985), pp. 49-69.

D'Ambrosio 1985b = B. D'Ambrosio, *L'insediamento di Campora di Geminiano (Genova)*, in "Studi e Ricerche. Cultura del Territorio" 2 (1985), pp. 70-72.

Daverio Rocchi 1988 = G. Daverio Rocchi, *Frontiera e confini nella Grecia antica*, Roma 1988.

Davies 1998 = H. E. H. Davies, *Designing Roman Roads*, in "Britannia" 29 (1998), pp. 1-16.

De Bon 1938 = A. De Bon, *Rilievi di campagna*, in *La via Claudia Augusta Altinate*, Venezia 1938, pp. 15-68.

De Feo 1998 = F. De Feo, *La dissoluzione dell'unità dell'antico percorso della Via Postumia: il tratto occidentale*, in G. Sena Chiesa, E. A. Arslan (eds), *Optima via*. Atti del Convegno Internazionale di Studi "Postumia. Storia e Archeologia di una grande strada romana alle radici dell'Europa" (Cremona, 13-15 giugno 1996), Cremona 1998, pp. 59-62.

De Francisci 1962 = P. De Francisci, *Storia del diritto romano*, I, Roma 1926.

Degrassi 1954 = A. Degrassi, *Il confine nord-orientale dell'Italia romana*, Bern 1954.

D'Elia 1973 = M. D'Elia, *Su un costrutto sintattico della Sententia Minuciorum*, Bari 1973.

De Martino 1973 [1954] = E. De Martino, *Storia della costituzione romana*, vol. 2, Napoli 1973 [1954].

De Ruggiero 1893 = E. De Ruggiero, *L'arbitrato pubblico in relazione col privato presso i Romani*, Roma 1893 [rist. 1971].

De Sanctis 1923 = G. De Sanctis, *Storia dei Romani, IV. La fondazione dell'Impero, 1. Dalla battaglia di Naraggara alla battaglia di Pidna*, Torino 1923.

Desideri 2007 = P. Desideri, *"Come prigionieri di guerra" (Pol. 24.13.4). Gli Achei dall'alleanza alla sottomissione a Roma*, in "Studia Historica. Historia Antigua" 25 (2007), pp. 171-179.

Desimoni 1864 = C. Desimoni, *Sulla Tavola di Bronzo della Polcevera*, in "Atti della Società Ligure di Storia Patria" 3 (1864), pp. 529-744.

Deutschmann 2012 = E. H. Deutschmann, *Roman Policies towards Antiochus III and the Greeks from Winter 197/196 B.C. to Autumn 196 B.C.*, in "Anuario de la Escuela de Historia Virtual" 3 (2012), pp. 1-20.

De Vingo, Frondoni 2003 = P. De Vingo, A. Frondoni, *Fonti scritte e cultura materiale del territorio fra tardoantico e altomedioevo in Val Polcevera (Genova): problemi aperti e prospettive di ricerca*, in R. Fiorillo, P. Peduto (eds), *III Congresso Nazionale di Archeologia Medievale* (Salerno, 2-5 ottobre 2003), III 1, Borgo San Lorenzo (FI) 2003, pp. 32-36.

Devoto 1951 = G. Devoto, *Gli antichi Italici*^{2}, Firenze 1951.

Devoto 1954 = G. Devoto, *Tabulae Iguvinae*, Roma 1954.

Di Lella 2004 = L. Di Lella, *La tutela interdittale dei luoghi pubblici*, in AA.VV., *Espaces intégrés et ressources naturelles dans l'Empire romain*. Actes du colloque de l'Université de Laval-Québec (5-8 mars 2003), Besançon 2004, pp. 193-196.

Diliberto 2015 = O. Diliberto, *Una sconosciuta monografia palermitana sulla palingenesi delle XII Tavole (e un curioso caso di omonimia)*, in "Annali del Seminario giuridico dell'Università degli Studi di Palermo (AUPA)" 58 (2015), pp. 291-300.

Di Piazza, Piazza 2017 = S. Di Piazza, F. Piazza, *Valutare il merito. Pistis ed epieikeia nella Retorica di Aristotele*, in "Hormos" 9 (2017), pp. 386-400.

Domingo Oslé 2010 = R. Domingo Oslé, *The New Global Law*, Cambridge-New York 2010.

D'Ors 1997 = A. D'Ors, *El arbitraje jurídico*, in A. D'Ors, *Parerga historica*, Pamplona 1997, pp. 271-291.

Dusi 2019 = M. Dusi, *La risoluzione delle controversie tramite organismi e sistemi alternativi (ADR) nell'ambito dell'accordo sul Tribunale Unificato dei Brevetti*, in "Il Diritto Industriale" 27 (2019), pp. 88-93.

Dyson 1985 = S. L. Dyson, *The Creation of the Roman Frontier*, Princeton 1985.

Eckstein 1987 = A. M. Eckstein, *Senate and General. Individual Decision-Making and Roman Foreign Relations, 264-194 a.C.*, Berkeley-Los Angeles-London 1987.

Eckstein 1988 = A. M. Eckstein, *Rome, the War with Perseus, and Third Party Mediation*, in "Historia" 37, 4 (1988), pp. 414-444.

Eckstein 2002 = A. M. Eckstein, *Greek Mediation in the First Macedonian War, 209-205 BC*, in "Historia" 51 (2002), pp. 268-297.

Eckstein 2006 = A. M. Eckstein, *Mediterranean Anarchy, Interstate War, and the Rise of Rome*, Berkeley-Los Angeles-London 2006.

Eckstein 2008 = A. M. Eckstein, *Rome Enters the Greek East: from Anarchy to Hierarchy in the Hellenistic Mediterranean, 230-170 BC*, Malden-Oxford-Carlton 2008.

Eckstein 2012 = A. M. Eckstein, *Polybius, the Gallic Crisis, and the Ebro Treaty*, in "Classical Philology" 107, 3 (2012), pp. 206-229.

Eilers 2002 = C. Eilers, *Roman Patrons of Greek Cities*, Oxford 2002.

Erdkamp 2008 = P. Erdkamp, *Mobility and Migration in Italy in the Second Century BC*, in L. De Ligt, S. J. Northwood (eds), *People, Land, and Politics. Demographic Developments and the Transformation of Roman Italy, 300 BC-AD 14*, Leiden-Boston 2008, pp. 417-450.

Ernout, Meillet 1979 = A. Ernout, A. Meillet, s.v. *arbiter-trī*, in *Dictionnaire étymologique de la langue latine. Histoire des mots*, III, Paris 1979, pp. 42-44.

Falcone 2013 = G. Falcone, *Il rapporto ius gentium – ius civile e la societas vitae in Cic., off. 3.69-70*, in "Annali del Seminario giuridico dell'Università degli Studi di Palermo" 56 (2013), pp. 259-274.

Falcón y Tella 2008 = M. J. Falcón y Tella, *Equity and Law*, Leiden-Boston 2008 [trad. en.].

Faoro 2015 = D. Faoro, *Gentes e civitates adtributae. Fenomeni contributivi della romanità cisalpina*, in L. Criscuolo, G. Geraci, A. Bencivenni (eds), *Simbolos. Scritti di Storia antica*, Bologna 2015, pp. 155-199.

Faoro 2018 = D. Faoro (ed.), *L'amministrazione dell'Italia romana. Dal I secolo a.C. al III secolo d.C. Fondamenti*, Milano 2018.

Fernández de Buján 2014 = A. Fernández de Buján, *La deuda histórica del arbitraje moderno*, Madrid 2014.

Ferone, Pugliese Carratelli 1989 = C. Ferone, F. Pugliese Carratelli (eds), *J. Beloch, Campania-Storia e topografia della Napoli antica e dei suoi dintorni*, Napoli 1989.

Ferrarese 2006 = M. R. Ferrarese, *Diritto sconfinato. Inventiva giuridica e spazi del mondo globale*, Roma-Bari 2006.

Ferrary 1988 = J.-L. Ferrary, *Philhellénisme et impérialisme*, Paris-Rome 1988.

Ferretto 1909 = A. Ferretto, *Documenti genovesi di Novi e Valle Scrivia*, Pinerolo 1909.

Ferri 2012 = G. Ferri, *La costruzione teorica dei poteri dell'arbitro nell'età moderna*, in "Historia et ius" 2 (2012), pp. 1-35.

Fiori 2016 = R. Fiori, *La nozione di ius gentium nelle fonti di età repubblicana*, in I. Piro (ed.), *Scritti per Alessandro Corbino 3*, Tricase (LE) 2016, pp. 109-129.

Foraboschi 1992 = D. Foraboschi, *Lineamenti di storia della Cisalpina romana. Antropologia di una conquista*, Roma 1992.

Forlati Tamaro 1961-1962 = B. Forlati Tamaro, *La romanizzazione dell'Italia settentrionale vista nelle iscrizioni*, in "Aquileia Nostra" 32-33 (1961-1962), pp. 110-122.

Forni 1987 = G. Forni, *Epigrafi lapidarie romane di Assisi*, Perugia 1987.

Foucart 1904 = P. Foucart, *Le culte de Dionysos en Attique*, Paris 1904.

Fraccaro 1957a = P. Fraccaro, *La colonia romana di Eporedia e la sua centuriazione*, in "Opuscula" 3 (1957), pp. 93-121.

Fraccaro 1957b = P. Fraccaro, *La colonia romana di Dertona (Tortona) e la sua centuriazione*, in "Opuscula" 3 (1957), pp. 123-147.

Fraccaro 1957c = P. Fraccaro, *La via Postumia nella Venetia*, in "Opuscula" 3 (1957), pp. 195-207.

Franchi De Bellis 1988 = A. Franchi De Bellis, *Il Cippo Abellano*, Urbino 1988.

Frank 1914 = T. Frank, *Roman Imperialism*, New York 1914.

Fraser 1926 = H. S. Fraser, *Sketch of the History of International Arbitration*, in "Classical Law Review" 11, 2 (1926), pp. 179-208.

Frediani 2010 = P. Frediani, *Sistema di risoluzione dei conflitti e mediazione*, in C. M. Ferri (ed.), *Manuale della nuova Mediazione e Conciliazione*, Padova 2014, pp. 11-97.

Frezza 1938 = P. Frezza, *Le forme federative e la struttura dei rapporti internazionali nell'antico diritto romano*, in "Studia et Documenta Historiae et Iuris" 4 (1938), pp. 363-428.

Fronda 2013 = M. P. Fronda, *Two Notes on the Sententia Minuciorum (CIL I² 584), Lines 44-45*, in "Zeitschrift für Papyrologie und Epigraphik" 185 (2013), pp. 262-266.

Frosini 1966 = V. Frosini, *s.v. Equità (nozione)*, in *Enciclopedia del diritto*, XV, Milano 1966, pp. 69-83.

Gabba 1955 = E. Gabba, *Cassio Dione e la teoria dell'imperialismo difensivo*, in "Rivista Storica Italiana" 67 (1955), pp. 301-311.

Gabba 1966 = E. Gabba, *Considerazioni sulla tradizione letteraria sulle origini della repubblica*, in AA.VV., *Les Origines de la République Romaine. Entretiens Hardt XIII*, Vandoeuvres-Genève 1966, pp. 135-160.

Gabba 1972 = E. Gabba, *Urbanizzazione e rinnovamenti urbanistici nell'Italia centromeridionale del I secolo a.C.*, in "Studi Classici e Orientali" 21 (1971), pp. 73-112.

Gabba 1978 = E. Gabba, *Il problema dell'unità dell'Italia romana*, in AA.VV., *La cultura italica*, Pisa 1978, pp. 11-24.

Gabba 1979 = E. Gabba, *Per un'interpretazione politica del 'De officiis' di Cicerone*, in "Rendiconti dell'Accademia dei Lincei" 34 (1979), pp. 117-141.

Gabba 1983 = E. Gabba, *Territori centuriati in Italia: il caso di Dertona*, in AA.VV., *Misurare la terra: centuriazione e coloni nel mondo romano*, Modena 1983, pp. 210-215.

Gabba 1984 = E. Gabba, *Per un'interpretazione storica della centuriazione romana*, in R. Bussi (ed.), *Misurare la terra: centuriazione e coloni nel mondo romano*. Catalogo della mostra, Modena 1984, pp. 20-27.

Gabba 1985 = E. Gabba, *Per un'interpretazione storica della centuriazione romana*, in "Athenaeum" 62, 3-4 (1985), pp. 265-284.

Gabba 1987 = E. Gabba, *Le fonti storiche, la romanizzazione e l'età imperiale*, in S. Finocchi (ed.), *Libarna*, Alessandria 1987, pp. 27-34.

Gabba 1990a = E. Gabba, *La conquista della Gallia Cisalpina*, in G. Clemente, F. Coarelli, E. Gabba (eds), *Storia di Roma*, II 1, Torino 1990, pp. 70-92.

Gabba 1990b = E. Gabba, *L'imperialismo romano*, in G. Clemente, F. Coarelli, E. Gabba (eds), *Storia di Roma*, II 1, Torino 1990, pp. 189-233.

Gagliardi 2006 = L. Gagliardi, *Mobilità e integrazione delle persone nei centri cittadini romani. Aspetti giuridici. Vol. I: La classificazione degli "incolae"*, Milano 2006.

Gagliardi 2007 = L. Gagliardi, *La figura del giudice privato del processo civile romano. Per un'analisi storico-sociologica sulla base delle fonti letterarie (da Plauto a Macrobio)*, in E. Cantarella, L. Gagliardi (eds), *Diritto e teatro in Grecia e a Roma*, Milano 2007, pp. 199-217.

Gagliardi 2012 = L. Gagliardi, *I collegi giudicanti: decemviri, centumviri, septemviri, recuperatores. Idee vecchie e nuove su origini, competenze, aspetti procedurali*, in L. Garofalo (ed.), *Il giudice privato nel processo civile romano. Omaggio ad Alberto Burdese*, II, Padova 2012, pp. 339-383.

Galsterer 2009 = H. Galsterer, *La Romanizzazione – una, molte o nessuna?*, in G. Cuscito (ed.), *Aspetti e problemi della romanizzazione Venetia, Histria e arco alpino orientale*, [in "Antichità Altoadriatiche" 68 (2009)], pp. 17-28.

Gambaro 1999 = L. Gambaro, *La Liguria costiera tra III e I secolo a.C.*, Mantova 1999.

Gandolfi 1954 = G. Gandolfi, *Spunti di diritto internazionale in Tito Livio*, Modena 1954.

García Riaza 2015 = E. García Riaza, *Le protocole diplomatique entre particularisme romain et universalisme: quelques réflexions sur l'Occident républicain*, in B. Grass, G. Stouder (eds), *La diplomatie romaine sous la République: réflexions sur une pratique*, Besançon 2015, pp. 15-41.

Garibaldi 1985 = P. Garibaldi, *Lineamenti storici ed archeologici dell'Alta Valpolcevera*, in "Studi e Ricerche. Cultura del Territorio" 2 (1985), pp. 19-38.

Garofalo 2007 = L. Garofalo, *Carl Schmitt e la "Wissenschaft des römischen rechts". Saggi su un cantore della scienza giuridica europea*, in "Anuario da Facultade de Dereito da Universidade da Coruña" 11 (2007), pp. 299-323.

Gazzano 2002 = F. Gazzano, *La diplomazia nelle Storie di Erodoto. Figure, temi, problemi*, in L. R. Cresci, F. Gazzano, D. P. Orsi (eds),

La retorica della diplomazia nella Grecia classica e a Bisanzio, Roma 2002, pp. 9-67.

Gernet 1939 = L. Gernet, *L'institution des arbitres publics à Athènes*, in "Revue des Études Grecques" 52 (1939), pp. 389-414.

Giannichedda 1995 = E. Giannichedda, *Dinamiche insediative e strutture sociali nel genovesato fra protostoria e romanizzazione*, in A. M. Pastorino (ed.), *La Tavola di Polcevera. Una sentenza incisa nel bronzo 2100 anni fa*, Genova 1995, pp. 39-49.

Giardina 1997 = A. Giardina, *L'Italia romana. Storie di un'identità incompiuta*, Roma-Bari 1997.

Giliberti 2015 = G. Giliberti, *L'ius gentium romano come ordinamento transnazionale*, in "Cultura giuridica e diritto vivente" 2 (2015), pp. 1-14.

Giomaro, Brancati 2005 = A. M. Giomaro, C. Brancati, *Percorsi guidati e metodologia di analisi giuridica*, Fano (PU) 2015.

Giustiniani 1854 = A. Giustiniani, *Annali della Repubblica di Genova*, I, Genova 1854.

Gorini 2011 = G. Gorini, *Il deposito di Serra Riccò e gli altri depositi dell'età del ferro in Italia Settentrionale*, in AA.VV., *Tra protostoria e storia. Studi in onore di Loredana Capuis*, Roma 2011, pp. 281-294.

Grassi1864 = L. Grassi, *Della sentenza inscritta nella Tavola di Polcevera*, in "Atti della Società Ligure di Storia Patria" 3 (1864), pp. 393-528.

Gray 2017 = B. Gray, *Reconciliation in Later Classical and Post-Classical Greek cities: a Question of Peace and Peacefulness?*, in E. Moloney, M. S. Williams (eds), *Peace and Reconciliation in the Classical World*, 5, Routledge 2017, pp. 66-85.

Gregori 2019 = G. L. Gregori, *Cippus o terminus? Problemi di terminologia epigrafica nella definizione degli spazi pubblici di Roma*, in R. Dubbini (ed.), *I confini di Roma*. Atti del Convegno Internazionale (Università degli Studi di Ferrara, 31 maggio-2 giugno 2018), Pisa 2019, pp. 175-180.

Grilli 2005 = A. Grilli, *Populus in Cicerone*, in G. Urso (ed.), *Popolo e potere nel mondo antico*, Pisa 2005, pp. 123-139.

Grimal 1984 = P. Grimal, *La clémence et la douceur dans la vie politique romaine*, in "Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres" 128, 3 (1984), pp. 466-478.

Gruen 1984 = E. S. Gruen, *The Hellenistic World and the Coming of Rome*, Berkeley 1984.

Guarducci 1987 = M. Guarducci, *L'epigrafia greca dalle origini al tardo impero*, Roma 1987.

Guida 2016 = G. Guida, *Il regime dell'"ager compascuus' tra proprietà collettiva e 'res communes'*, in L. Garofalo (ed.), *I beni di interesse pubblico nell'esperienza giuridica romana*, I, Napoli 2016, pp. 225-248.

Gumbiner 2000 = K. Gumbiner, *An Overview of Alternative Dispute Resolution*, in N. F. Atlas, S. K. Huber, E. W. Trachte-Huber (eds), *Alternative Dispute Resolution. The Litigator's Handbook*, Chicago 2000, pp. 1-16.

Gutiérrez García 1991 = C. Gutiérrez García, *Notas sobre el Arbiter Romano y su posible relación con el iudex*, in "Anales de la Universidad de Alicante – Facultad de Derecho" 6 (1991), pp. 139-146.

Halla-aho 2018 = H. Halla-aho, *Left-Dislocation in Latin. Topix and Syntax in Republican Texts*, Leiden-Boston 2018.

Harries 2001 = J. Harries, *Law and Empire in Late Antiquity*, Cambridge 2001.

Harris 2018 = E. M. Harris, *Trials, Private Arbitration, and Public Arbitration in Classical Athens or the Background to [Arist.] Ath. Pol. 53, 1-7*, in C. Bearzot, M. Canevaro, T. Gargiulo, E. Poddighe (eds), *Athenaion Politeiai tra storia, politica e sociologia: Aristotele e Pseudo-Senofonte*, Milano 2018, pp. 213-230.

Harris 1972 = W. V. Harris, *Was Roman Law imposed on the Italian Allies?*, in "Historia" 21 (1972), pp. 639-645.

Harris 1979 = W. V. Harris, *War and Imperialism in Republican Rome 327-70 BC*, Oxford 1979.

Harris 1989 = W. V. Harris, *Roman expansion in the West, in Rome and the Mediterranean to 133 a.C.*, in A. E. Astin, F. W. Walbank, M. W. Frederiksen, R. M. Ogilvie (eds), *Cambridge Ancient History*, VIII 2, Cambridge 1989, pp. 107-162.

Harris 2007 = W. V. Harris, *Quando e come l'Italia divenne per la prima volta l'Italia? Un saggio sulla politica dell'identità*, in "Studi Storici" 48, 2 (2007), pp. 301-322.

Häussler 2013 = R. Häussler, *Becoming Roman? Diverging identities and experiences in ancient north-west Italy*, Walnut Creek (CA) 2013.

Heuss 1933 = A. Heuss, *Die völkerrechtlichen Grundlagen der römischen Aussenpolitik in republikanischer Zeit*, Leipzig 1933.

Hewitt 2008 = A. Hewitt, *Universal Justice and Epieikeia in Aristotle*, in "Polis" 25, 1 (2008), pp. 115-130.

Hey 1901 = O. Hey, *s.v. arbiter*, in *Thesaurus Linguae Latinae*, II 2, Lipsiae 1901, coll. 404-407.

Hölkeskamp 1993 = K. J. Hölkeskamp, *Conquest, Competition and Consensus: Roman Expansion in Italy and the Rise of the "Nobilitas"*, in "Historia. Zeitschrift für Alte Geschichte" 42, 1 (1993), pp. 12-39.

Holleaux 1921 = M. Holleaux, *Rome, la Grèce, et les Monarchies Hellénistiques au IIIe siècle avant J.-C. (273-205)*, Paris 1921.

Horn 1930 = H. Horn, *Foederati. Untersuchungen zur Geschichte ihrer Rechtsstellung im Zeitalter der römischen Republik und des frühen Prinzipats*, Frankfurt 1930.

Humm 2010 = M. Humm, *Le concept d'Italie: des premiers colons grecs à la réorganisation augustéenne*, in AA.VV., *Mémories d'Italie. Identités, repésentations, enjeux (Antiquité et classicisme). À l'occasion du 150ème anniversaire de l'Unité italienne (1861-2001)*, Como 2010, pp. 36-66.

Izzo 2013 = S. Izzo, *La convenzione arbitrale nel processo. Studio sui rapporti tra arbitrato e giurisdizioni statuali*, Torino 2013.

János 2014 = E. János, *Utilitas as the Delineation of the Common Good in Roman Law*, in "Pázmány Law Working Papers" 18 (2014), pp. 1-6.

Jehne 2009 = M. Jehne, *Diplomacy in Italy in the Second Century BC*, in C. Eilers (ed.), *Diplomats and Diplomacy in the Roman World*, Leiden-Boston 2009, pp. 143-170.

Jia 2002 = W. Jia, *Chinese Mediation and its Cultural Foundation*, in G. Chen, R. Ma (eds), *Chinese Conflict Management and Resolution*, Norwood (N.J.) 2002, pp. 289-296.

Kallet-Marx 1996 = R. M. Kallet-Marx, *Hegemony to Empire. The Development of the Roman Imperium in the East from 148 to 62 B.C.*, Berkeley 1996.

Karabélias 1996 = E. Karabélias, *L'arbitrage privé dans Athènes classique*, in G. Thür, J. Velissaropoulos-Karakostas (eds), *Symposion 1995. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Köln-Weimar-Wien 1997, pp. 135-149.

Kaščeev 1997 = V. Kaščeev, *Schiedsgericht und Vermittlung in den Beziehungen zwischen den hellenistischen Staaten und Rom*, in "Historia" 46 (1997), pp. 419-433.

Kaser 1942 = M. Kaser, *Die Typen der römischen Bodenrechte in der späteren Republik*, in "Zeitschrift für Savigny Stiftung für Rechtsgeschichte; Romanistische Abteilung" 62 (1942), pp. 1-81.

Kaser 1966 = M. Kaser, *Das Römische Zivilprozessrecht*, München 1966.

Keay, Terrenato 2001 = S. Keay, N. Terrenato (eds), *Comparative Issues on Romanization*, Oxford 2001.

Keppie 1983 = L. Keppie, *Colonisation and Veteran Settlement in Italy 47-14 B.C.*, London 1983.

Kidane 2017 = W. L. Kidane, *The Culture of International Arbitration*, Oxford-New York 2017.

Kleiboer 1996 = M. Kleiboer, *Understanding Success and Failure of International Mediation*, in "Journal of Conflict Resolution" 40, 2 (1996), pp. 360-389.

Kolb 2016a = A. Kolb, *The Romans and the World's Measure*, in S. Bianchetti, M. R. Cataudella, H.-J. Gehrke (eds), *Brill's Companion to Ancient Geography. The Inhabited World in Greek and Roman Tradition*, Leiden-Boston 2016, pp. 223-238.

Kolb 2016b = A. Kolb, *The importance of internal borders in the Roman Empire: Written sources and model cases*, in P. Della Casa, E. Deschler-Erb (eds), *Rome's Internal Frontiers*. Proceedings of the 2016 RAC session in Rome, [in "Zurich Studies in Archaeology" 11 (2016)], pp. 11-16.

Köster 2014 = I. K. Köster, *Feasting Centaurs and Destructive Consuls in Cicero's In Pisonem*, in "Illinois Classical Studies" 39 (2014), pp. 63-79.

Kraus 1992 = C. S. Kraus, *How (Not?) to End a Sentence: The Problem of -Que*, in "Harvard Studies in Classical Philology" 94 (1992), pp. 321-329.

La China 2011 = S. La China, *L'arbitrato. Il sistema e l'esperienza*, Milano 2011.

Laffi 1966 = U. Laffi, *Adtributio e contributio. Problemi del sistema politico amministrativo dello stato romano*, Pisa 1966.

Laffi 1983 = U. Laffi, *I senati locali nell'Italia repubblicana*, in AA.VV., *Les "Bourgeoisies" municipales italiennes aux IIe et Ier siècles av. J.-C.* Actes du Colloque International du CNRS n. 609 (Naples 1981), Naples 1983, pp. 59-74.

Laffi 1990 = U. Laffi, *Il sistema di alleanze italico*, in G. Clemente, F. Coarelli, E. Gabba (eds), *Storia di Roma*, II 1, Torino 1990, pp. 285-304.

Laffi 1992 = U. Laffi, *La provincia della Gallia Cisalpina*, in "Athenaeum" 80 (1992), pp. 5-23.

Laffi 2001a = U. Laffi, *Il sistema di alleanze italico*, in U. Laffi (ed.), *Studi di storia romana e di diritto*, Roma 2001, pp. 17-44.

Laffi 2001b = U. Laffi, *La provincia della Gallia Cisalpina*, in U. Laffi (ed.), *Studi di storia romana e di diritto*, Roma 2001, pp. 209-235.

Laffi 2001c = U. Laffi, *L'ager compascuus*, in U. Laffi (ed.), *Studi di storia romana e di diritto*, Roma 2001, pp. 381-412.

Lamberti 2010 = F. Lamberti, *"Civitas Romana" e diritto latino fra tarda repubblica e primo principato*, in "Index" 38 (2010), pp. 227-235.

Lamboglia 1939 = N. Lamboglia, *Liguria romana*, I, Alassio 1939.

Lamboglia 1941 = N. Lamboglia, *Storia di Genova*, I, Milano 1941.

Lanata 1989 = G. Lanata, *Esercizi di memoria*, Bari 1989.

La Pira 1936 = G. La Pira, *'Compromissum' e 'litis contestatio' formulare*, in AA.VV., *Studi in onore di S. Riccobono nel XL anno del suo insegnamento*, II, Palermo 1936, pp. 210-234.

La Regina 1976 = A. La Regina, *Sannio: Pietrabbondante*, in "Studi Etruschi" 44 (1976), pp. 283-295.

La Regina 2000 = A. La Regina, *Il trattato tra Abella e Nola per l'uso comune del santuario di Ercole e di un fondo adiacente*, in AA.VV., *Studi sull'Italia dei Sanniti*, Roma 2000, pp. 214-222.

La Rocca 1971 = E. La Rocca, *Introduzione allo studio di Nola antica*, Roma 1971.

Latte 1940 = K. Latte, *Livy's Patavinitas*, in "Classical Philology" 35 (1940), pp. 56-60.

Launaro 2006-2007 = A. Launaro, *La Val Polcevera dalla seconda Età del Ferro alla fine dell'Evo Antico*, in "Rivista di Studi Liguri" 72-73 (2006-2007), pp. 5-12.

Laurence 1999 = R. Laurence, *The Roads of Roman Italy. Mobility and Cultural Change*, London-New York 1999.

Lazzarini 2017 = S. Lazzarini, *Romanizzazione in Transpadana: evidenze archeologiche e profili giuridici*, in S. Lazzarini (ed.), *Incorrupta Antiquitas. Studi di Storia, Epigrafia e Diritto in memoria di Giorgio Luraschi.* Atti dell'Incontro di Studio di Como (25-26 maggio 2012), Cermenate (CO) 2017, pp. 9-21.

Lemosse 1966 = M. Lemosse, *Réflexion sur la conception romaine de l'arbitrage international*, in AA.VV., *Aktuelle Fragen aus modernem Recht und Rechtsgeschichte. Gedächtnisschrift für Rudolf Schmidt*, Berlin 1996, pp. 340-348.

Lenel 1927 = O. Lenel, *Das Edictum perpetuum. Ein Versuch zu seiner Wiederherstellung*, Leipzig, 1927.

Le Roux 2004 = P. Le Roux, *La romanisation en question*, in "Annales. Histoire, Sciences Sociales" 2 (2004), pp. 287-311.

Levi 1996 = M. A. Levi, *Libarna e la Via Postumia*, in S. Finocchi (ed.), *Libarna*, Castelnuovo Scrivia (AL) 1996, pp. 47-49.

Linderski 1995 = J. Linderski, *Ambassadors go to Rome*, in E. Frézouls, A. Jacquemin (eds), *Les Relations Internationales*. Actes du Colloque de Strasbourg (15-17 juin 1993), Paris 1995, pp. 453-478.

Liverani 1998 = M. Liverani (ed.), *Le lettere di El-Amarna. Vol. 1: Le lettere dei "Piccoli Re"*, Brescia 1998.

Liverani 1999 = M. Liverani, *Le lettere di El-Amarna. Vol. 2: Le lettere dei "Grandi Re"*, Brescia 1999.

Lobrano 2004 = G. Lobrano, *La respublica romana, municipale-federativa e tribunizia: modello costituzionale attuale*, in "Diritto @ Storia" 3 (2004), pp. 1-29.

Lombardi 1947 = G. Lombardi, *Sul concetto di ius gentium*, Roma 1947.

Longchamps de Bérier 2013 = F. Longchamps de Bérier, *L'abuso del diritto nell'esperienza del diritto privato romano*, Torino 2013.

Lo Porto 1952 = F. G. Lo Porto, *Una necropoli di età repubblicana nell'Alessandrino*, in "Rivista di Studi Liguri" 17, 1-2 (1952), pp. 46-66.

Lovato, Puliatti, Solidoro Maruotti 2014 = A. Lovato, S. Puliatti, L. Solidoro Maruotti, *Diritto privato romano*, Torino 2014.

Luraschi 1979 = G. Luraschi, *Foedus, ius Latii, civitas: aspetti costituzionali della romanizzazione in Transpadana*, Padova 1979.

Luraschi 1980 = G. Luraschi, *A proposito dei Ligures Statiellates transducti trans Padum nel 172 a.C. (Liv. 42.22.5-6)*, in "Annali Benacensi" 7 (1980), pp. 73-80.

Luraschi 1986 = G. Luraschi, *Aspetti giuridici della romanizzazione del Bruzio. A proposito del volume Istituzioni e forme costituzionali nelle città del Bruzio in età romana*, in "Studia et Documenta Historiae et Iuris" 52 (1986), pp. 493-516.

Luraschi 1988 = G. Luraschi, *Sull'origine dell'adtributio*, in AA.VV., *Diritto e società nel mondo romano*. I. Atti di un Incontro di Studio (Pavia, 21 aprile 1988), Como 1988, pp. 43-71.

Luraschi 1989 = G. Luraschi, *Problemi giuridici della romanizzazione delle Alpi: origine della "adtributio"*, in AA.VV., *Die Römer in den Alpen. I Romani nelle Alpi*. Historikertagung in Salzburg (13-15 XI 1986), Bozen 1989, pp. 249-269.

Luttwak 1976 = E. N. Luttwak, *The Grand Strategy of the Roman Empire from the First Century AD to the Third*, Baltimore-London 1976.

Maddoli 1982 = G. Maddoli, *Contatti antichi del mondo latino col mondo greco*, in AA.VV., *Alle origini del latino*. Atti del Convegno della SIG (Pisa, 7-8 dicembre 1980), Pisa 1982, pp. 43-64.

Maganzani 2016 = L. Maganzani, *Il nuovo catasto di Verona. Analisi storico-giuridica*, in "Iuris Antiqui Historia" 8 (2016), pp. 87-112.

Maganzani 2017 = L. Maganzani, *Per una revisione del concetto di 'colonizzazione fittizia' in Transpadana: nuovi dati da Verona*, in P. Ferretti, M. Fiorentini, D. Rossi (eds), *Il governo del territorio nell'esperienza storico-giuridica*, Trieste 2017, pp. 57-85.

Magnetto 1997 = A. Magnetto (ed.), *Gli arbitrati interstatali greci. 2: Dal 337 al 196 a.C.*, Pisa 1997.

Magnetto 2015 = A. Magnetto, *L'arbitrato dei Romani nel rapporto con la diplomazia dei Greci. Alcuni spunti di riflessione*, in B. Grass, G. Stouder (eds), J.-L. Ferrary, S. Pittia, P. Sanchez (coll.), *La diplomatie romaine sous la République: réflexions sur une pratique*, Besançon 2015, pp. 65-85.

Maiuri 2017 = A. Maiuri, *Hostis, hospes, extraneus. Divagazioni etimo-antropologiche sul senso dell'alterità nella civiltà romana*, in S. Botta, M. Ferrara, A. Saggioro (eds), *La Storia delle religioni e la sfida dei pluralismi*. Atti del Convegno della Società Italiana di Storia delle Religioni (Roma, Sapienza, 8-9 aprile 2016), Brescia 2017, pp. 455-466.

Malnati 2011 = L. Malnati, *L'organizzazione del potere prima del dominio romano: dalle forme di governo tribali alla res publica*, in F. Marzatico, R. Gebhard (eds), *Le grandi vie della civiltà. Relazioni e scambi fra Mediterraneo e il centro Europa dalla preistoria alla romanità*, Trento 2011, pp. 239-253.

Mannoni 1983 = T. Mannoni, *Usi storico-didattici dell'archeologia globale del territorio. L'esempio della Val Polcevera*, in L. Còveri, D. Moreno (eds), *Studi di etnografia e dialettologia ligure in memoria di Hugo Plonteux*, Genova 1983, pp. 149-159.

Mannoni 1995 = T. Mannoni, *Venticinque anni di Archeologia Globale. 2: Insediamenti abbandonati*, Genova 1995.

Marinetti 1985 = A. Marinetti, *Le iscrizioni sudpicene. I: Testi*, Firenze 1985.

Marinetti 2000 = A. Marinetti, *La romanizzazione linguistica della Penisola*, in J. Hermann, A. Marinetti, L. Mondin (eds), *La preistoria dell'italiano*. Atti della Tavola rotonda di linguistica storica (Università Ca' Foscari Di Venezia, 11-13 Giugno 1998), Tübingen 2000, pp. 61-79.

Marinetti 2008 = A. Marinetti, *Aspetti della romanizzazione linguistica nella Cisalpina orientale*, in G. Urso (ed.), *Patria diversis gentibus*

una? Unità politica e identità etniche nell'Italia antica, Pisa 2008, pp. 147-169.

Marinetti, Cresci Marrone 2011 = A. Marinetti, G. Cresci Marrone, *Ideologia della delimitazione spaziale in area veneta nei documenti epigrafici*, in G. Cantino Wataghin, C. Colombara (eds), *Finem dare. Il confine tra sacro, profano e immaginario. A margine della stele bilingue del Museo Leone di Vercelli*. Atti del Convegno Internazionale (Vercelli, 22-24 maggio 2008), Vercelli 2011, pp. 287-311.

Marrone 1996 = M. Marrone, *Sull'arbitrato privato nell'esperienza giuridica romana*, in "Rivista dell'arbitrato" 6, 1 (1996) [online].

Marrone 2004 = M. Marrone, *Manuale di diritto privato romano*, Torino 2004.

Marshall 1980 = A. J. Marshall, *The Survival and Development of International Jurisdiction in the Greek World under Roman Rule*, in *ANRW* II 13, 1980, pp. 626-661.

Martino 1986 = P. Martino, *Arbiter*, Roma 1986.

Mastino 2013 = I. Mastino, *"Utilitas valuit propter honestatem": Cicerone e il principio giuridico dell'utilitas*, in "Diritto @ Storia" 11 (2013), pp. 5-26 [online].

Matteazzi 2017 = M. Matteazzi, *All the Roads to Patavium: Morphology, Genesis and Development of the Roman Road Network Around Padua*, in "Open Archaeology" 3 (2017), pp. 83-100.

Matthaei 1908 = L. E. Matthaei, *The Place of Arbitration and Mediation in Ancient Systems of International Ethics*, in "The Classical Quarterly" 2 (1908), pp. 241-264.

Mazzarino 1945 = S. Mazzarino, *Dalla monarchia allo stato repubblicano: ricerche di storia romana arcaica*, Catania 1945.

Mazzarino 1966 = S. Mazzarino, *Il pensiero storico classico*, I, Bari 1966.

McDougal 1992 = I. McDougal, *The Reputation of Appius Claudius Pulcher, cos. 143 B.C.*, in "Hermes" 120, 4 (1992), pp. 452-460.

Melli 2001 = P. Melli, *La Liguria Centrale. La Via Postumia*, in R. Luccardini (ed.), *Vie Romane in Liguria*, Genova 2001, pp. 95-102.

Menchelli, Pasquinucci 2004 = S. Menchelli, M. Pasquinucci, *Ibi termina duo stant circum viam Postumiam. La via Postumia tra Genua e Libarna*, in AA.VV., *Insediamenti e territorio: viabilità in Liguria tra I e VII secolo d.C.* Atti del Convegno di Studio (Bordighera, 30 novembre-1 dicembre 2000), Bordighera (IM) 2004, pp. 185-201.

Mennella 1995 = G. Mennella, *per una riedizione della Tavola di Polcevera*, in A. M. Pastorino (ed.), *La Tavola di Polcevera. Una sentenza incisa nel bronzo 2100 anni fa*, Genova 1995, pp. 69-79.

Mennella 1998 = G. Mennella, *Tavola di Polcevera*, in G. Sena Chiesa, M. P. Lavizzari (eds), *Tesori della Postumia. Archeologia e storia intorno a una grande strada romana alle radici dell'Europa*. Catalogo della Mostra (Cremona, 4 aprile - 26 luglio 1998), Milano 1998, pp. 268-270.

Mennella 2004 = G. Mennella, *La Tavola di Polcevera*, in R. C. De Marinis, G. Spadea (eds), *I Liguri. Un antico popolo europeo tra Alpi e Mediterraneo*, Ginevra-Milano 2004, pp. 522-523 [con traduzione a cura di G. Petracco Sicardi].

Mennella 2014 = G. Mennella, *Genova da comunità federata a municipio di Roma*, in P. Melli (ed.), *Genova dalle origini all'anno Mille. Archeologia e storia*, Genova 2014, pp. 99-105.

Mercando 1990 = L. Mercando, *Note su alcune città del Piemonte settentrionale*, in AA.VV., *La Città nell'Italia settentrionale in età romana. Morfologia, strutture e funzionamento dei centri urbani delle Regiones X e XI*. Atti del Convegno di Trieste (13-15 marzo 1987), Rome 1990, pp. 441-478.

Merotto 2016 = M. F. Merotto, *'Ager compascuus': un esempio di vincolo di destinazione di interesse pubblico*, in L. Garofalo (ed.), *I beni di interesse pubblico nell'esperienza giuridica romana*, I, Napoli 2016, pp. 193-223.

Migliario 2010 = E. Migliario, *Anticipi di romanizzazione: pianificare, dividere, delimitare gli spazi nel mondo veneto*, in "Geographia Antiqua" 19 (2010), pp. 99-114.

Migliario 2011-2012 = E. Migliario, *Le Alpi di Strabone*, in "Geographia Antiqua" 20-21 (2011-2012), pp. 25-34.

Migliario 2012 = E. Migliario, *Etnografia e storia delle Alpi nella Geografia di Strabone*, in R. Bargnesi, R. Scuderi (eds), *Il paesaggio e l'esperienza. Scritti di antichità offerti a Pierluigi Tozzi in occasione del suo 75° compleanno*, Pavia 2012, pp. 107-122.

Migliario 2014 = E. Migliario, *A proposito di penetrazione romana e controllo territoriale nel Piemonte orientale: qualche considerazione*, in M. Chiabà (ed.), *Hoc quoque laboris praemium. Scritti in onore di Gino Bandelli*, Trieste 2014, pp. 343-358.

Migne 1849-1855 = J. P. Migne, *Patrologia Latina*, Paris 1849-1855, CXLVIII, col. 421.

Milotić 2013 = I. Milotić, *An outline of the arbitral procedure in roman law*, in "Forum Historiae Iuris" (2013), [online].

Mineo 2011 = B. Mineo, *Principal Literary Sources for the Punic Wars (apart from Polybius)*, in D. Hoyos (ed.), *A Companion to the Punic Wars*, Malden-Oxford 2011, pp. 111-127.

Mommsen 1854 = Th. Mommsen, *Römische Geschichte*, I, Leipzig 1854.

Mommsen 1887 = Th. Mommsen, *Römisches Staatsrecht*, III, Berlin 1887.

Monaco 1936 = G. Monaco, *Libarna*, *(Forma Italiae, Regio IX, vol. 1)*, Roma 1936.

Montanelli 2004 = I. Montanelli, *Storia dei Greci*, Milano 2004.

Morandi 1982 = A. Morandi, *Epigrafia Italica*, Roma 1982.

Morelli 1967 = G. Morelli, *Nozioni di diritto internazionale*, Padova 1967.

Mratscheck 1984 = S. Mratschek, *Est enim ille flos Italiae. Literatur und Gesellschaft in der Transpadana*, in "Athenaeum" 62 (1984), pp. 154-180.

Musti 1978 = D. Musti, *Polibio e l'imperialismo romano*, Napoli 1978.

Nicolet 1987 = C. Nicolet, *La Table d'Heraclée et les origines du cadastre Romain*, in AA.VV., *L'Urbs. Espace urbain et histoire*. Actes du Colloque International (Rome, 8-12 mai 1985), Rome 1987, pp. 1-25.

Noailles 1948 = P. Noailles, *Fas et jus. Études de droit romain*, Paris 1948.

Noé 1979 = E. Noè, *Ricerche su Dionigi d'Alicarnasso: la prima stasis a Roma e l'episodio di Coriolano*, in AA.VV., *Ricerche di storiografia greca di età romana*, Pisa 1979, pp. 21-116.

Olivieri 2013 = R. Olivieri, *Relitti lessicali e onomastici liguri negli autori e nei documenti classici*, Milano 2013.

Pallavicino 2002 = E. Pallavicino (ed.), *I Libri Iurium della Repubblica di Genova*, I 8, Genova 2002.

Palma 1982 = A. Palma, *Le strade romane nelle dottrine giuridiche e gromatiche dell'età del principato*, in *ANRW* II 14, 1982, pp. 850-880.

Panzarini = G. Panzarini, *I profili di modernità degli arbitrati greci e romani nei principi e nelle regole tecniche da essi trapassati, con sorprendenti coincidenze, negli arbitrati odierni*, in AA.VV., *Governo dell'impresa e mercato delle regole. Scritti giuridici per Guido Rossi*, II, Milano 2002, pp. 1203-1256.

Paricio 1984 = J. Paricio, *Notas sobre la sentencia del 'arbiter ex compromisso'. Sanción contra el árbitro que nodió sentencia*, in "Revue Internationale des Droits de l'Antiquitè" 31 (1984), pp. 297-301.

Paricio 1987 = J. Paricio, *Sobre la administración de la justicia en Roma. Los juramentos de los jueces privados*, Madrid, 1987.

Parisi 2011 = D. Parisi, *Caio Atinio Labeone: il vero fondatore del territorio Summano*, in "Summana" n.s. 71 (2011), pp. 94-100.

Partsch 1905 = J. Partsch, *Die Schriftformel im römischen Provinzialprozesse*, Breslau 1905.

Pasquinucci 1995 = M. Pasquinucci, *Ricerche archeologico-topografiche in Val Polcevera*, in A. M. Pastorino (ed.), *La Tavola di Polcevera. Una sentenza incisa nel bronzo 2100 anni fa*, Genova 1995, pp. 52-58.

Pasquinucci 1998 = M. Pasquinucci, *La via Postumia da Genova a Libarna*, in G. Sena Chiesa, M. P. Lavizzari (eds), *Tesori della Postumia. Archeologia e storia intorno a una grande strada romana alle radici dell'Europa*. Catalogo della Mostra (Cremona, 4 aprile - 26 luglio 1998), Milano 1998, pp. 213-215.

Pasquinucci 2004a = M. Pasquinucci, *Premessa. VII. I nuovi assetti: dalla sconfitta alla prima età imperiale*, in R. C. De Marinis, G. Spadea (eds), *I Liguri. Un antico popolo europeo fra Alpi e Mediterraneo*, Ginevra-Milano 2004, p. 447.

Pasquinucci 2004b = M. Pasquinucci, *La Sententia Minuciorum e la Val Polcevera: territorio, popolamento, 'terminatio'*, in R. C. De Marinis, G. Spadea (eds), *I Liguri. Un antico popolo europeo tra Alpi e Mediterraneo*, Ginevra-Milano 2004, pp. 476-477.

Pasquinucci 2014 = M. Pasquinucci, *La Tavola del Polcevera e le tribù delle valli di Genova*, in P. Melli (ed.), *Genova dalle origini all'anno mille*, Genova 2014, pp. 107-112.

Pastorino 1981 = A. M. Pastorino, *Recenti acquisizioni archeologiche in Valle Scrivia*, in L. Tacchella (ed.), *Busalla e la Valle Scrivia nella storia*, Verona 1981, pp. 468-473.

Pastorino 1995 = A. M. Pastorino (ed.), *La Tavola di Polcevera. Una sentenza incisa nel bronzo 2100 anni fa*, Genova 1995.

Pastorino, Pedemonte 1999 = M. V. Pastorino, S. Pedemonte, *Nuove segnalazioni archeologiche di superficie a Isola del Cantone e primi confronti con la toponomastica antica*, in "In Novitate" 14, 27 (1999), pp. 115-124.

Pastorino, Traverso 2015 = M. V. Pastorino, A. Traverso, *Alta Valle Scrivia vent'anni di testimonianze pre e protostoriche*, in "I Quaderni di Ivo" 6 (2015), pp. 101-117.

Pastorino, Venturino Gambari 1991 = M. V. Pastorino, M. Venturino Gambari, *La tomba preromana di Libarna: archeologia e restauro di un ritrovamento dei primi del 900*, Novi Ligure (AL) 1991.

Patterson 2006 = J. R. Patterson, *The Relationship of the Italian Ruling Classes with Rome: Friendship, Family Relations and their Consequences*, in M. Jehne, R. Pfeilschifter (eds), *Herrschaft ohne Integration? Rom und Italien in Republikanischer Zeit*, Frankfurt am Main 2006, pp. 139-153.

Paulsson 2010 = J. Paulsson, *Cultural Differences in Advocacy in International Arbitration*, in R. D. Bishop, E. G. Kehoe (eds), *The Art of Advocacy in International Arbitration*, New York 2010, pp. 15-21.

Paulsson 2013 = J. Paulsson, *The Idea of Arbitration*, Oxford-New York 2013.

Pavese 2000 = M. Pavese, *Territorio, diritto e organizzazione fondiaria nella Valle del Belbo in età romana*, Città di Canelli (AT) 2000.

Pavoni 2008 = R. Pavoni, *La valle dagli antichi liguri alla conquista genovese*, in R. Pavoni, E. Podestà (eds), *La Valle dell'Orba dalle origini alla nascita degli stati regionali*, I, Ovada (AL) 2008, pp. 1-170.

Pavoni, Podestà 2008 = R. Pavoni, E. Podestà (eds), *La Valle dell'Orba dalle origini alla nascita degli stati regionali*, I, Ovada (AL) 2008.

Pedemonte 2018 = S. Pedemonte, *La tavola di bronzo della Val Polcevera e la Via Postumia*, in "Novinostra in Novitate" 6 (2018), pp. 12-36.

Pedroni 2009 = L. Pedroni, *Roma, Luna e i Liguri*, in "Analecta Romana Instituti Danici" 34 (2009), pp. 7-18.

Pelloso 2012 = C. Pelloso, *'Giudicare' e 'decidere' in Roma arcaica. Contributo alla contestualizzazione storico-giuridica di Tab. 1.8*, in L. Garofalo (a cura di), *Il giudice privato nel processo civile romano. Omaggio ad Alberto Burdese*, I, Lavis (TN) 2012, pp. 59-128.

Perelli 1981 = L. Perelli, *Sulla localizzazione delle miniere d'oro dei Salassi*, in "Bollettino Storico-Bibliografico Subalpino" 79 (1981), pp. 341-353.

Petraccia 1988 = M. F. Petraccia, *I questori municipali dell'Italia antica*, Roma 1988.

Petraccia 2019 = M. F. Petraccia, *Capidas a proposito. Note storico-prosopografiche a margine di CIL XI 5390*, in "Atti dell'Accademia Properziana del Subasio" 1 (2019), pp. 23-36.

Petracco Sicardi 1958-1959 = G. Petracco Sicardi, *Ricerche topografiche e linguistiche sulla tavola di Polcevera*, in "Studi Genuensi" 2 (1958-1959), pp. 3-49.

Petracco Sicardi 1985 = G. Petracco Sicardi, *Topografia storica, toponomastica, insediamenti e organizzazione del territorio*, in "Studi e ricerche. Cultura del territorio" 2 (1985), pp. 87-92.

Petracco Sicardi 1989 = G. Petracco Sicardi, *Studi linguistici sull'anfizionia Liguria Provenza*, Genova 1989.

Pettirossi 2012 = V. Pettirossi, *Iulia Dertona*, in "Supplementa Italica" n.s. 26 (2012), pp. 55-187.

Peyre 1979 = C. Peyre, *La Cisalpine gauloise du III^e^ au I^er^ siècle avant J.-C.*, Paris 1979.

Piana Agostinetti 1996 = P. Piana Agostinetti, *La monetazione romana dell'Italia nord-occidentale*, in AA.VV., *La monetazione preromana dell'Italia Settentrionale. Approvvigionamento del metallo, coniazione, circolazione*. Atti dell'Incontro di Studio (Bordighera, 16-17 settembre 1994), Bordighera (IM) 1996, pp. 195-218.

Piazza 2007 = F. Piazza, *Il senso delle circostanze. L'epieikeia in Aristotele*, in "Forme di vita" 6 (2007), pp. 68-82.

Piazza 2009 = F. Piazza, *La virtù di Emone: Riflessioni sull'epieikeia greca*, in "Aevum Antiquum" 9 (2009), pp. 3-36.

Piccirilli 1973 = L. Piccirilli (ed.), Gli *arbitrati interstatali greci*, *Vol. 1. Dalle origini al 338 a.C.*, Pisa 1973.

Piegdoń 2013 = M. Piegdoń, *Coloniam deducere. Colonisation as an Instrument of the Roman Policy of Domination in Italy in the 3^rd^ and 2^nd^ Centuries BC, as illustrated by Settlements in the Ager Gallicus and Picenum*, in "Electrum" 20 (2013), pp. 117-141.

Piergiovanni 1999 = V. Piergiovanni, *L'arbitrato. Profili storici dal diritto romano al diritto medievale e moderno*, in G. Alpa, F. Benatti (eds), *L'arbitrato. Profili sostanziali e processuali*, Torino 1999, pp. 5-15.

Pipino 2005 = G. Pipino, *Liguria mineraria. Miscellanea di giacimentologia e storia estrattiva*, Predosa (AL) 2005.

Pisani 1964 = V. Pisani, *Le lingue dell'Italia antica oltre il latino*, Torino 1964.

Pisani 1974 = V. Pisani, *Grammatica latina storica e comparativa*[4], Torino 1974.

Poccetti 1979 = P. Poccetti, *Nuovi documenti italici a complemento del Manuale di E. Vetter*, Pisa 1979.

Poccetti 1983 = P. Poccetti, *Sul formulario dell'epigrafia ufficiale italica*, in "Athenaeum" 51 (1983), pp. 178-198.

Poggi 1900 = G. Poggi, *Genoati e Viturii*, in "Atti della Società Ligure di Storia Patria" 30 (1900), pp. 1-407.

Poggi 1904 = G. Poggi, *Genova preromana, romana e medievale*, Genova 1904.

Polverini 2010 = L. Polverini, *L'estensione del nome Italia fino alle Alpi e la provincia Gallia Cisalpina*, in "Geographia Antiqua" 19 (2010), pp. 115-121.

Ponte 2007 = V. Ponte, *Regimen juridico de las vias publicas en derecho romano*, Madrid 2007.

Prandi 1998 = L. Prandi, *Clemenza e impero nell'esperienza ateniese (Thuc. III, 40, 2-3)*, in M. Sordi (ed.), *Responsabilità, perdono e vendetta nel mondo antico*, Milano 1998, pp. 97-110.

Prosdocimi 1978a = A. L. Prosdocimi, *L'Umbro*, in A. L. Prosdocimi (ed.), *Lingue e dialetti dell'Italia antica* (= *Popoli e civiltà dell'Italia antica* VI), Roma-Padova 1978, pp. 585-787.

Prosdocimi 1978b = A. L. Prosdocimi, *L'Osco*, in A. L. Prosdocimi (ed.), *Lingue e dialetti dell'Italia antica* (= *Popoli e civiltà dell'Italia antica* VI), Roma-Padova 1978, pp. 825-912.

Prosdocimi 1980 = A. L. Prosdocimi, *Studi sull'Italico*, in "Studi Etruschi" 48 (1980), pp. 430-436.

Prosdocimi 1984 = A. L. Prosdocimi, *Le Tavole Iguvine*, I, Firenze 1984.

Prosdocimi 2015 = A. L. Prosdocimi, *Le Tavole Iguvine. Preliminari all'interpretazione. La testualità: fatti e metodi*, II, Firenze 2015.

Pugliese 1991 = G. Pugliese, *Istituzioni di diritto romano*, Torino 1991.

Pugliese, Vacca, Sitzia 2012 = G. Pugliese, L. Vacca, F. Sitzia, *Istituzioni di diritto romano*, Torino 2012.

Pulgram 1960 = E. Pulgram, *The Oscan Cippus Abellanus: a new interpretation*, in "The American Journal of Philology" 81 (1960), pp. 16-29.

Purcell 1990 = N. Purcell, *The Creation of Provincial Landscape: The Roman Impact on Cisalpine Gaul*, in T. Blagg, M. Millett (eds), *The Early Roman Empire in the West*, Oxford 1990, pp. 7-29.

Quadri 1968 = R. Quadri, *Diritto internazionale pubblico*, Napoli 1968.

Quindici 1984 = V. Quindici, *Nola antica*, Nola 1984.

Radke 1964 = G. Radke, *Die Erschließung Italiens durch die römischen Straßen*, in "Gymnasium" 71 (1964), pp. 204-235.

Raeder 1912 = A. Raeder, *L'arbitrage international chez les Héllènes*, Kristiania 1912.

Reynolds 1982 = J. Reynolds, *Aphrodisias and Rome: Documents from the Excavation of the Theatre at Aphrodisias*, London 1982.

Richer 2005 = N. Richer, *La violence dans les mondes grec et romain. Introduction*, in J.-M. Bertrand (ed.), *La violence dans les mondes grec et romain*. Actes du Colloque International (Paris, 2-4 mai 2002), Paris 2005, pp. 7-35.

Rinolfi 2010 = C. M. A. Rinolfi, *"Episcopalis audientia" e arbitrato*, in S. Puliatti, U. Agnati (eds), *Principi generali e tecniche operative*

del processo civile romano nei secoli IV-VI d.C. Atti del Convegno (Parma, 18 e 19 giugno 2009), Parma 2010, pp. 191-239.

Roberts 1979 = S. Roberts, *Order and Dispute. An Introduction to Legal Anthropology*, Harmondsworth 1979.

Rodríguez Luño 1997 = A. Rodríguez Luño, *La virtù dell'epicheia. Teoria, storia e applicazione (I). Dalla Grecia classica fino a F. Suárez*, in "Acta Philosophica" 6, 2 (1997), pp. 197-236.

Rosenstein 1986 = N. Rosenstein, *Imperatores Victi: The Case of C. Hostilius Mancinus*, in "Classical Antiquity" 5, 2 (1986), pp. 230-252.

Rosenstein 2007 = N. Rosenstein, *War and Peace, Fear and Reconciliation at Rome*, in K. A. Raaflaub (ed.), *War and Peace in the Ancient World*, Malden-Oxford-Carlton 2007, pp. 226-244.

Rosina 2007 = A. Rosina, *Introduzione,* in G. Amiotti, A. Rosina (eds), *Identità e integrazione. Passato e presente delle minoranze nell'Europa mediterranea*, Milano 2007, pp. 79-82.

Rostovzeff 1941 = M. Rostovzeff, *The Social and Economic History of the Hellenistic World*, I-III, Oxford 1941.

Rouland 1991 = N. Rouland, *Aus confins du droit. Anthropologie juridique de la modernité*, Paris 1991.

Rousset 1994 = D. Rousset, *Les frontières des cités grecques: premières réflexions à partir du recueil des documents épigraphiques*, in "Cahiers du Centre Gustave Glotz" 5 (1994), pp. 97-126.

Rudorff 1857-1859 = A. F. Rudorff, *Römische Rechtsgeschichte*, I, Lipsia 1857-1859.

Rykwert 1976 = J. Rykwert, *The Idea of a Town. The Anthropology of Urban Form in Rome, Italy and the Ancient World*, Princeton 1976.

Sacchi 2005 = O. Sacchi, *Le nozioni di Stato e di proprietà in Panezio e l'influenza della dottrina stoica sulla giurisprudenza romana dell'epoca scipionico-cesariana*, in "Revue Internationale des Droits de l'Antiquité" 52 (2005), pp. 325-357.

Salmon 1967 = E. T. Salmon, *Samnium and the Samnites*, Cambridge 1967.

Salomone Gaggero 2006 = E. Salomone Gaggero, *Dertona fra il II e il I secolo a.C.*, in AA.VV. *Dertona Historia Patriae. Storia di Tortona dalla preistoria a oggi*, II, Tortona 2006, pp. 71-126.

Salvioli 1957 = G. Salvioli, *s.v. Controversie internazionali*, in *Novissimo Digesto italiano*, IV, Torino 1957, p. 118.

Salzani 1990 = L. Salzani (ed.), *Ritrovamenti archeologici nel Veronese*, in "Quaderni di Archeologia del Veneto" 6 (1990), pp. 189-195.

Sapienza 2012 = P. Sapienza, *La frequentazione romana nella Regio IX. Problematiche insediative e territoriali nel Piemonte sud-occidentale*, in "Langhe, Roero, Monferrato, Cultura materiale – società – territorio" 6 (2012), pp. 33-50.

Sapienza 2013 = R. Sapienza, *Diritto internazionale. Quattro pezzi facili*, Torino 2013.

Sartori 1953 = F. Sartori, *Problemi di storia costituzionale italiota*, Roma 1953.

Sartori 1981 = F. Sartori, *Padova nello stato romano dal secolo III a.C. all'età dioclezianea*, in AA.VV., *Padova antica. Da Comunità Paleoveneta a Città Romano-Cristiana*, Trieste 1981, pp. 97-189.

Šašel Kos 2002 = M. Šašel Kos, *Il confine nord-orientale dell'Italia romana. Riesame del problema alla luce di un nuovo documento epigrafico*, in "Aquileia Nostra" 73 (2002), pp. 245-260.

von Savigny 1814 = F. C. von Savigny, *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft*, Heidelberg 1814.

Scevola 2004 = R. Scevola, *La responsabilità del iudex privatus*, Milano 2004.

Scevola 2012 = R. Scevola, *Utilitas publica. Emersione nel pensiero greco e romano*, Milano 2012.

Schmitt 1972 = C. Schmitt, *I tre tipi di pensiero giuridico*, in G. Miglio, P. Schiera (eds), *Le categorie del 'politico'*, Bologna 1972, pp. 245-275.

Schmitt 1991 [1950] = C. Schmitt, *Il nomos della terra nel diritto internazionale dello "jus publicum europaeum"*, Milano 1991 [1950] [trad. it.].

Scolari 2016 = L. Scolari, *La fides e la promessa. Forme di reciprocità tra dèi e uomini nella riscrittura di Ovidio*, in "I Quaderni del Ramo d'oro – online" 8 (2016), pp. 112-127.

Scuderi 1991a = R. Scuderi, *Decreti del Senato per controversie di confine in età repubblicana*, in "Athenaeum" 79, 2 (1991), pp. 371-415.

Scuderi 1991b = R. Scuderi, *A proposito dell'inamovibilità e mobilità del confine nell'impero romano*, in "Istituto Lombardo di scienze e Lettere" 125, 1 (1991), pp. 3-19.

Scuderi 1991c = R. Scuderi, *Sul concetto di frontiera nell'impero romano: confini naturali e artificiali*, in "Istituto Lombardo di Scienze e Lettere" 125, 1 (1991), pp. 41-60.

Sena Chiesa 2014 = G. Sena Chiesa, *Gli asparagi di Cesare. Studi sulla Cisalpina romana*, Firenze 2014.

Sereni 1954 = E. Sereni, *La comunità rurale nella Liguria antica e i suoi confini*, in "Rivista di Studi Liguri" 20 (1954), pp. 13-42.

Sereni 1955 = E. Sereni, *Comunità rurali nell'Italia antica*, Roma 1955.

Serrao 2006 = F. Serrao, *Diritto privato, economia e società. I. Dalla società gentilizia alle origini dell'economia schiavistica*[3], Napoli 2006.

Sherman 1918 = G. E. Sherman, *Jus Gentium and International Law*, in "The American Journal of International Law" 12, 1 (1918), pp. 56-63.

Sini 1991 = F. Sini, *Bellum Nefandum. Virgilio e il problema del "diritto internazionale antico"*, Sassari 1991.

Sini 2003 = F. Sini, *'Guerra giusta' e sistema giuridico – religioso romano*, in A. Calore (ed.), *Seminari di storia e di diritto, III. "Guerra giusta"? Le metamorfosi di un concetto antico*, Milano 2003, pp. 30-72.

Sisani 2006 = S. Sisani, *Umbria, Marche*, Bari 2006.

Sisani 2009 = S. Sisani, *Umbrorum gens antiquissima Italiae. Studi sulla società e le istituzioni dell'Umbria preromana*, Perugia 2009.

Sisani 2012 = S. Sisani, *I rapporti tra Mevania e Hispellum*, in G. M. Della Fina (ed.), *Il Fanum Voltumnae e i santuari comunitari dell'Italia antica*. Atti del XIX Convegno Internazionale di Studi sulla Storia e l'Archeologia dell'Etruria, Roma 2012, pp. 409-463.

Sisani 2015 = S. Sisani, *L'ager publicus in età graccana (133-111 a.C.). Una rilettura testuale, storica e giuridica della lex agraria epigrafica*, Roma 2015.

Sisani 2016 = S. Sisani, *Il significato del termine Italia nella tabula Heracleensis e la data di costituzione a provincia della Gallia Cisalpina*, in "Historika" 6 (2016), pp. 83-89.

Sitzia 2014 = F. Sitzia, *Riflessioni in tema di arbitrato in diritto giustinianeo e bizantino*, in "Annali del Seminario giuridico dell'Università degli Studi di Palermo" 57 (2014), pp. 241-264.

Sogliano 1937 = A. Sogliano, *Pompei nel suo sviluppo storico. Pompei preromana (dalle origini all'a. 80 a.C.)*, Roma 1937, p. 156.

Sotty 1984 = R. Sotty, *'Condictio incerti', 'actio ex stipulatu' et 'actio praescriptis verbis'*, in V. Giuffrè (ed.), *Sodalitas. Scritti in onore di Antonio Guarino*, V, Napoli 1984, pp. 2478-2501.

Spotorno 1854 = G. B. Spotorno (ed.), *A. Giustiniani, Annali della Repubblica di Genova*, I, Genova 1854.

Stahl 1986 = M. Stahl, *Herrschaftssicherung und patronale Fürsorge. Zum Schiedsspruch der Minucier für Genua (CIL V,7749) und seiner Rezeption im frühen 16. Jahrhundert*, in "Historia" 35 (1986), pp. 280-307.

Starace 1988 = V. Starace, *s.v. Controversie internazionali*, in *Enciclopedia Giuridica*, IX, Roma 1988, pp. 2-3, 5-7.

Suganami 1978 = H. Suganami, *A Note on the Origin of the Word 'International'*, in "British Journal of International Studies" 4, 3 (1978), pp. 226-232.

Syme 1939 = R. Syme, *The Roman Revolution*, Oxford 1939.

Tacchella 1985 = L. Tacchella, *Insediamenti monastici delle Valli Scrivia, Borbera, Lemme, Orba e Stura*, Novi Ligure (AL) 1985.

Tadmor 1990 = H. Tadmor, *Alleanza e dipendenza nell'antica Mesopotamia e in Israele: terminologia e prassi*, in L. Canfora, M. Liverani, C. Zaccagni (eds), *I trattati nel mondo antico. Forma, ideologia, funzione*, Roma 1990, pp. 17-36.

Tagliamonte 1997 = G. Tagliamonte, *I Sanniti, Caudini, Irpini, Pentri, Carricini, Frentani*, Milano 1997.

Talamanca 1958 = M. Talamanca, *Ricerche in tema di 'compromissum'*, Milano 1958.

Talamanca 1998 = M. Talamanca, *"Ius gentium" da Adriano ai Severi*, in E. Dovere (ed.), *La codificazione del diritto dall'antico al moderno*, Napoli 1998, pp. 191-227.

Talamanca 2015 = M. Talamanca, *Istituzioni di diritto romano*, Napoli 2015.

Tarpin 2014 = M. Tarpin, *Strutture territoriali romane: tra complessità ed efficienza*, in B. Grassi, M. Pizzo (eds), *Gallorum Insubrum fines. Ricerche e progetti archeologici nel territorio di Varese*. Atti della Giornata di Studio (Varese-Villa Recalcati, 29 gennaio 2010), Roma 2014, pp. 199-207.

Tarpin 2015 = M. Tarpin, *I Romani in montagna: tra immaginario e razionalità*, in "Il capitale culturale" 12 (2015), pp. 803-822.

Tarpin 2016 = M. Tarpin, *L'appropriation du territoire par Rome: conquête, deditio, foedus, confiscation*, in M. Aberson, M. C. Biella, M. Di Fazio, P. Sànchez, M. Wullschleger (eds), *L'Italia centrale e la creazione di una* koiné *culturale? I percorsi della 'romanizzazione'. E pluribus unum? L'Italie, de la diversité préromaine à l'unité augustéenne*, II, Berne 2016, pp. 183-200.

Thornton 2006 = J. Thornton, *Terrore, terrorismo e imperialismo. Violenza e intimidazione nell'età della conquista romana*, in G. Urso (ed.), *Terror et pavor. Violenza, intimidazione, clandestinità nel monto antico.* Atti del Convegno Internazionale (Cividale del Friuli, 22-24 settembre 2006), Pisa 2006, pp. 157-196.

Thornton 2015 = *Marginalità e integrazione dei Liguri Apuani: una deportazione umanitaria?*, in U. Roberto, P. A. Tuci (eds), *Tra mar-*

ginalità e integrazione. Aspetti dell'assistenza sociale nel mondo greco e romano, Milano 2015, pp. 89-110.

Tibiletti 1950 = G. Tibiletti, *Ricerche di storia agraria romana*, in "Athenaeum" 28 (1950), pp. 183-266.

Tod 1913 = M. N. Tod, *International Arbitration amongst the Greeks*, Oxford 1913.

Todisco 2012 = E. Todisco, *I vici rurali nel paesaggio dell'Italia romana*, Bari 2012.

Torelli 1998 = M. Torelli, *Via Postumia: una strada per la romanizzazione*, in G. Sena Chiesa, E. A. Arslan (eds), *Optima via*. Atti del Convegno Internazionale di Studi "Postumia. Storia e Archeologia di una grande strada romana alle radici dell'Europa" (Cremona, 13-15 giugno 1996), Cremona 1998, pp. 21-28.

Torre 2005 = M. Torre (ed.), *C. Rebora, Orero racconta*, Genova 2005.

Torrent 1982 = A. Torrent, *El arbitraje en el bronce de Contrebia,* in AA.VV., *Studi in onore di C. Sanfilippo*, II, Milano 1982, pp. 637-653.

Toynbee 1981 = A. J. Toynbee, *L'eredità di Annibale. Le conseguenze della guerra annibalica nella vita romana*, I, Torino 1981.

Traina 2005 = A. Traina, *Comoedia. Antologia della palliata*, Padova 2005.

Traverso *et al*. 2014-2015 = A. Traverso *et al.*, *Progetto Postumia. Per una revisione della documentazione e dei dati materiali relativi a un antico percorso viario*, in "Archeologia in Liguria" n.s. 6 (2014-2015), pp. 203-220.

Urso 2013 = G. Urso, *Cassio Dione e i sovversivi. La crisi della Repubblica nei frammenti della "Storia romana" (XXI-XXX)*, Milano 2013.

Usteri 1955 = E. Usteri, *Westschweiz Schiedsurkunden bis zum Jahre 1300*, Zürich 1955.

Vacanti 2008-2009 = C. Vacanti, *Andare oltre Giano: la terza fronte della diplomazia romana*, in "ὅρμος – Ricerche di Storia Antica" n.s. 1 (2008-2009), pp. 212-221.

Valvo 2001 = A. Valvo, *Formula amicorum, commercium amicitiae, φιλίας κοινωνία*, in M. G. Angeli Bertinelli, L. Piccirilli (eds), *Serta antiqua et mediaevalia IV. Linguaggio e terminologia diplomatica dall'antico oriente all'impero bizantino*. Atti del Convegno Nazionale (Genova, 19 novembre 1998), Roma 2001, pp. 135-145.

Valvo 2017 = A. Valvo, *Un tema prediletto di Giorgio Luraschi: l'adtributio*, in S. Lazzarini (ed.), *Incorrupta Antiquitas. Studi di*

Storia, Epigrafia e Diritto in memoria di Giorgio Luraschi. Atti dell'Incontro di Studio (Como, 25-26 maggio 2012), Cermenate 2017, pp. 25-42.

Vanoni 2012 = S. Vanoni, *La convenzione arbitrale e il contratto di arbitrato*, in A. Bossi (ed.), *La prassi dell'arbitrato rituale*, Torino 2012, pp. 79-126.

Venturino Gambari 1983 = M. Venturino Gambari, *Rocca Grimalda, loc. Fornace. Necropoli ad incinerazione dell'età del Ferro*, in "Quaderni della Soprintendenza Archeologica del Piemonte" 2 (1983), pp. 143-148.

Verde 2015 = G. Verde, *Lineamenti di diritto dell'arbitrato*[5], Torino 2015.

Vetter 1953 = E. Vetter, *Handbuch der italischen Dialekte*, I, Heidelberg 1953.

Veyne 1975 = P. Veyne, *Y a-t-il eu un impérialisme romain?*, in "Mélanges de l'École Française de Rome" 87, 2 (1975), pp. 793-855.

Villani 1981 = U. Villani, *s.v. Controversie internazionali*, in *Novissimo Digesto italiano – Appendice*, II, Torino 1981, pp. 711-715.

Villani 1989 = U. Villani, *s.v. Controversie internazionali*, in *Digesto delle Discipline pubblicistiche*, IV, Torino 1989, pp. 155-156.

Vishnia 2012 = R. F. Vishnia, *A Case of "Bad Press"? Gaius Flaminius in Ancient Historiography*, in "Zeitschrift für Papyrologie und Epigraphik" 181 (2012), pp. 27-45.

Vittinghoff 1970-1971 = F. Vittinghoff, *Intervento in Mansuelli G. A., La romanizzazione dell'Italia settentrionale*, in "Atti del Centro Studi e Documentazione sull'Italia romana" 3 (1970-1971), p. 33.

Weinfeld 1973 = M. Weinfeld, *Covenant Terminology in the Ancient Near East and its Influence on the West*, in "Journal of American Oriental Society" 93, 2 (1973), pp. 190-199.

Weinfeld 1990 = M. Weinfeld, *The Common Heritage of Covenantal Traditions in the Ancient World*, Roma 1990.

Westbrook 2000 = R. Westbrook, *International Law in the Amarna Age*, in R. Cohen, R. Westbrook (eds), *Amarna Diplomacy. The Beginnings of International Relations*, Baltimore 2000, pp. 28-41.

Westermann 1907 = W. L. Westermann, *Interstate arbitration in Antiquity*, in "The Classical Journal" 2, 5 (1907), pp. 197-211.

von Wilamowitz-Maellendorf 1926 = W. von Wilamowitz-Maellendorf, *Storia italica*, in "Rivista di Filologia e di Istruzione Classica" 4 (1926), pp. 1-9.

Williamson 2005 = C. Williamson, *The Law of the Roman People. Public Law in the Expansion and Decline of the Roman Republic*, Ann Arbor 2005.

Wiseman 1970 = T. P. Wiseman, *Roman republican Road-building*, in "Papers of the British School at Rome" 38 (1970), pp. 122-152.

Wiseman 1979 = T. P. Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature*, Leicester 1979.

Wiseman 1989 = T. P. Wiseman, *La via Annia: Dogma ed ipotesi*, in "Athenaeum" 67 (1989), pp. 417-425.

Woolf 1998 = G. Woolf, *Becoming Roman: the Origin of Provincial Civilization in Gaul*, Cambridge 1998.

Zanda 1998 = E. Zanda, *Centuriazione e città*, in L. Mercando (ed.), *Archeologia in Piemonte, II. L'età romana*, Torino 1998, pp. 49-66.

Zanda 1999 = E. Zanda, *Problemi di urbanistica nella Liguria romana: Dertona ed Hasta*, in M. B. Bagnasco, M. C. Conti (eds), *Studi di archeologia classica dedicati a Giorgio Gullini per i quarant'anni di insegnamento*, Alessandria 1999, pp. 197-210.

Zanda 2011 = E. Zanda, *Industria città romana sacra a Iside. Scavi e ricerche archeologiche 1981-2003*, Torino 2011.

Zecchini 2007 = G. Zecchini, *L'identità dei Celti tra conservazione e assimilazione*, in G. Amiotti, A. Rosina (eds), *Identità e integrazione. Passato e presente delle minoranze nell'Europa mediterranea*, Milano 2007, pp. 39-54.

Zecchini 2009 = G. Zecchini, *Le guerre galliche di Roma*, Roma 2009.

Ziccardi 1964 = P. Ziccardi, *s.v. Diritto internazionale in generale*, in *Enciclopedia del diritto*, XII, Milano 1964, pp. 988-1035.

Ziegler 1971 = K.-H. Ziegler, *Das private Schiedsgericht im antiken römischen Recht*, München 1971.

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Note: Unless otherwise stated, all of the English translations in this volume are from the Loeb Classical Library.

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Note: For the readers' convenience, Roman names of individuals are listed according to the *nomen gentilicium* (e.g. Cornelius). By contrast, individuals from more recent times are designated either by their first name followed by their place of origin (e.g. Ildebrando di Soana), or by their surname followed by their first name (e.g. Giustiniani Agostino).